

Method and Metaphysics: A Legal Historian's Canon

C.G. Bateman*

Abstract

In the following research I discuss a number of issues which are fundamental to my understanding of how best to reconstruct past human events from the methodological outlook of a legal historian. Herein one will find an explanation *of* and justification *for* the various aspects of the historical method and philosophy I employ in my larger research area involving the Roman Emperor Constantine, the Christian Church, and state sovereignty. I also discuss some lines of intersection between modern day legal actors and historians to show how their common goal of getting to the truth of a question may encourage the former to consider using some of the same hermeneutical tools as the latter. History as a discipline has always been primarily concerned with humans and their actions, and this has been noted by many historians: Marc Bloch and R.G. Collingwood come to mind as being two of the strongest proponents of this dictum.¹ Since the field of human events in the past is so large, I suggest it behooves us, then, not to confine ourselves too narrowly within our investigations concerning the hermeneutical tools we employ in the study of the multivariate ways that humans have acted and existed since their appearance some two-hundred thousand years ago: and to this end I employ *Sub specie aeternitatis* as my research's inclusive-contextual *raison d'être*. This perspective requires an acknowledgment that scholarly observations about the reality of the human condition from other disciplines must be employed in the effort to be as wide-ranging in our research method gathering as the *historical* method will allow: and thus a number of key contributions from authors in various academic fields will be discussed to highlight the relative importance of their ideas to my own. I will be using examples within my own

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¹ Marc Bloch, *The Historian's Craft*, trans. Peter Putnam (Hong Kong: Manchester University Press, 1954; 1991): 22-27. Bloch wrote the *Historian's Craft* in 1944 during World War II while in prison for his activities as a member of the French Resistance. He was tortured and shot to death by the Nazi Gestapo in June of 1944. His tragic death prevented him from finishing this essay. R.G. Collingwood, *The Idea of History* (Oxford, Clarendon Press: Oxford, 1946, 1949). Collingwood wrote "What kinds of things does history find out? I answer, *res gestae*: actions of human beings that have been done in the past." (9).

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area of study² to engage these ideas and this will better acquaint the reader with how I approach historical data. This discussion will be purposely focused on the foundational ideas upon which my own historical method is based. This will enable the reader to better appreciate how it is that I as a historian come up with suggestions about what it was in history that most likely happened. I conclude that as a historian my highest goal must be to offer an imaginative re-construction of an historical event and its concomitant personages which is based on extant data, but which also must engage in a participatory re-thinking pursuant to the motivations of the characters involved such that the end result can be read as an intelligible whole.

Introduction

The Future is dark, the present burdensome; only the past, dead and finished, bears contemplation. Those who look upon it have survived it: they are its product and its victors. No wonder, therefore, that [they] concern themselves with history.

S.R. Elton, *The Practice of History*†

The symbolic universe also orders history. It locates all collective events in a cohesive unity that includes past, present, and future.

Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality*††

...the history of everything amounts to the thing itself.

John Lukacs, *Historical Consciousness*†††

All of us are a product of the past, and in this one observation lay much of the historical method itself. This notion lays in the foundational idea that there always remains

† G.R. Elton, *The Practice of History* (New York: Thomas Y. Crowell; Sydney University Press, 1967), 1.

†† Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, N.Y. : Doubleday, 1966), 95.

††† John Lukacs, *Historical Consciousness: The Remembered Past* (New Brunswick (U.S.A.): Transaction Publishers, 1968; 1985;1994; 2003), ix.

² My research is concerned with the history of the theory and practice of sovereign power in the Western World, specifically focusing on the marriage of Church and State under Constantine in the early fourth century CE, and the nascent transfer of powers that took place at that time.

continuity with the past no matter how significant a break a historical event may seem to be in the eyes of future generations. It seems the idea “we cannot escape our own past” is true for history itself: *everything* is connected, however tangentially at the edges. Even in light of this, the historian is also aware of how little of human history we actually have any idea about. Historians’ approach their discipline with an irony that may not be sidestepped: life for humans is on average only around eighty to one hundred years on the outside, and we only appeared on the scene as “history-makers” one hundred thousand years ago, on the inside.³ In truth, there is a universal history before ours which stretches some thirteen billion years. Our lives are not merely brief by comparison: in fact, given an eighty year average, we occupy less than a thousand millionth of a percent given that stretch of time – and, in fact, even our possible earthly existence hinged on a process of the formation of the Universe itself which introduced the planet Earth only two-thirds of the way along. If we were more strict and only measured from our own time backwards, using the earliest extant written records dating from the fourth millennium B.C.E as our starting point for comparison, then we are still talking about six thousand years, and then our lives jump to an unimpressive .013% represented against the lesser whole.⁴ As Carl G. Gustavson – whose observations inspired my own – pointed out over fifty years ago: if and when we study, as many do, *institutions* from the past, then “[t]he human being, with his puny life span, is but a pygmy walking among giants whose growth and decline must be measured in terms of centuries.”⁵ Looking at the relationship, for instance, between Constantine the Great’s Roman Empire and the Christian Church is to make suggestions about two *major* institutions that existed a mere seventeen centuries ago. All this speaks to our perspective of looking behind us in the human story and it must be conceded that historians will never have the big picture of human life on earth if for no other reason than we only have written records for six of the last hundred thousand years. On the other hand, Marc Bloch has noted that the student of the present is in scarcely better standing, since almost everything we learn in life is from others and very little, by comparison, is acquired from our own senses.⁶ Whether one studies the past or the present we learn almost everything we know from others. We are physically dependent by definition, and epistemologically dependent to well-nigh the same degree. So what we do know about human history is limited, and it comes to us almost entirely from others.

³ The estimates range from 80,000 to 250,000 years.

⁴ M.C. D’Arcy, *The Meaning and Matter of History: A Christian View* (New York: Noonday Press – Farrar, Straus and Giroux, 1959), 18: “History is a late growth in the evolution of man.”

⁵ Carl G. Gustavson, *A Preface to History* (New York: McGraw-Hill Book Company, Inc., 1955), 4.

⁶ Bloch, *Historian’s Craft*, 50. Bloch writes: “Because the individual, narrowly restricted by his senses and power of concentration, never perceives more than a tiny patch of the vast tapestry of events... and because, moreover, he possesses an immediate awareness of only his own mental state, all knowledge of mankind, to whatever time it applies, will always derive a large part of its evidence from others. In this respect, the student of the present is scarcely any better off than the historian of the past.”

Even in light of the foregoing, it is still true from our perspective that the Juggernaut wheels of historical interpretation – based on the human species’ legacy of extant records – not only roll forward but ostensibly crush all our previous ‘complete histories’ upon which the actions and lives of our predecessors were informed and structured, and upon which new total histories are being re-configured to fit the discoveries made during the costly march of human progress and enlightenment which strove and strives for equality for all people.⁷ It is in this evolution of human existence throughout history that human events instantiate and then at times are recorded for us at the initiative and selection of ‘historians’ who choose to write such accounts, from as early as Herodotus onwards. This ‘selection’ of ‘facts’, though, presents a particular problem. As E.H. Carr writes, “[t]he belief in a hard core of historical facts existing objectively and independently of the interpretation of the historian is a preposterous fallacy....”⁸ The fact is that what historians sometimes treat as facts are not facts at all but an imagined story based on the biases of an, let’s say, ancient author who gave the historian their facts in the first place: and this has led to all sorts of maltreatment of human beings throughout their history.⁹ The problem for historians ought to be clear at this point: if past histories upon which the normative worldviews of a given society were once based have been proven to be false on new evidence or jettisoned on the basis of the, often, consequentially monstrous treatment of other humans, and if new more evidentially based histories replace them and new worldviews of a more benign nature conquer the older worlds, then what will occur when what is new is old again? In other words, even though the leading edge of historical explanation in the 1200’s is so far different from modern historical research as to belong to a different category, we have to acknowledge that if what soothed society then is enough to make us recoil in horror now, we ought then to write our history with a humility which forces us to produce work in the realm of suggestion, rather than authoritative explanation: or worse yet, proclamation. To begin with, then, the story of history is only partially known for a very small part of what is in truth, *actual* human

⁷ Every movement towards shared resources and human freedom and equality since the Protestant Reformation would suffice as evidence for this claim, although we could go further back even still. The Reformation, the Enlightenment, the French Revolutions, the British and American Revolutions, and the Abolition of Slavery are all important movements which exemplify the point raised.

⁸ E.H. Carr, *What is History* (Harmondsworth, Middlesex: Penguin, 1961; 1973), 12. He goes on: “I collected fifteen or twenty volumes on my shelves and took it for granted that there, recorded in these volumes, I had all the facts relating to my subject. Let us assume – it was very nearly true – that those volumes contained all the facts about it that were then known, or could be known. It never occurred to me to inquire by what accident or process of attrition that minute selection of facts, out of all the myriad facts that must once have been known to somebody, had survived to become *the* facts of history.” (13).

⁹ *Vide infra*.

history. Truly, as the single most important ancient text in Western Culture puts it, "...our days on earth are but a shadow."¹⁰

Legal Actors and Historians

It is perhaps exactly because our time on earth is limited that systems of laws have arisen throughout history to insure that humans are able to enjoy and participate in as much of that lifetime as possible: and we punish those who deprive others of these rights in the varying degrees such participation is thwarted. When such rights to life and liberty are deprived, one person vis-à-vis another, legal actors are then engaged to insure appropriate laws are enforced. The most prominent of these actors, perhaps, is the one with the final decision-making power, the judge. Every judge is a historian of sorts. They deal with adjudicating past events. While in a Common Law context it is true they are considering evidence from only two parties' arguments, they are still trying to determine who is responsible for the various aspects of an event involving persons. In this way, just like historians of all stripes, the judges, by definition, are reacting to events that happened in the past: their role, then, much like the police, is largely reactive rather than preventative. In a dispute between two litigants, lawyers will provide the judge with evidence about "what happened." And yet there is the rub, judges are *provided with* evidence, whereas the historian *collects it* themselves. While this is a significant difference, oftentimes judges are dealing with enough of the available evidence to reconstruct an event to a satisfactory degree based on that same evidence. Their main task is to interpret how given events interact with persons based on the aforementioned laws. The responsible historian, also, will want as much of the available evidence as possible to insure that their reconstructions of past events and suggested motives of the actors are as grounded in what can reasonably be inferred from the evidence as possible, but rarely will they learn facts about an event in the detailed way a modern day judge would.

Even in light of this, historians, then, are very much judges of a sort: yet they are also called upon to wear the hats of lawyers, *amicus curiae*, and interveners pursuant to their own trial which seeks to uncover the truth about a past event. Their focal point, as with the judge, is a past event involving persons. Yet unlike the judge in a court of law, historians are not constrained by any laws except their method, which in most cases is anchored to the requirement that their judgements need to be reasonably connected and inferable pursuant to the evidence which they have at hand. In terms of the historical

¹⁰ Job 8.9b, 14.1-2, *Holy Bible: New Revised Standard Version Containing the Old and New Testaments and the Deuterocanonical Books*. Bruce Metzger, ed., Second edition, (Peabody, Massachusetts: Hendrickson Bibles & Oxford University Press, 2007), 357.

actors, historians are not required to prove the motives of these figures beyond a reasonable doubt, as in a criminal trial: their standard is much more akin to the civil law standard on the “balance of probabilities,” given the evidence.

In most cases, as it is in my own research, historians are dealing with human stories wherein most if not all of the relevant characters to an event have long passed away. And with them in time goes most of the evidence concerning those peoples’ lives: and yet if their contemporaries thought they were important enough figures, political or religious, etc., posterity has to varying degrees left us evidence of those real people who lived in ‘actual history.’

With my own more general subject of Constantine and his Council of Nicaea, there is fortunately enough written by a variety of historical personages to give some of the more broad strokes about his life and activities, but nothing like a day to day journal. It is in this place of restricted amounts of evidence that the historian ‘lives and moves and has their being,’¹¹ to quote a turn of phrase used by the Apostle Paul in a lecture given to philosophers in the Areopagus at Athens in the mid first century. Even here with Paul we find someone who was at that very moment engaged in a kind of historical reconstruction of events and was arguing as a lawyer would to convince, not one judge or even a panel of judges, but a rather large group of philosophers, that the new religion he was teaching people was based on solid evidence: now, in some sense, this group of philosophers was ‘trying’ him on the persuasiveness of the evidence he presented in his argument. Some of the ‘judges’ rejected his argument, others adjourned the hearing for another day to hear more evidence, and some were convinced on the evidence presented.¹² Those of us familiar with the machinations of appeal courts in common law jurisdictions today will be very familiar with these kinds of reactions coming from panels of judges ranging from arbitration boards to the Supreme Court. The law allows for judges to decide differently based on their interpretation of the written law, and with historians this same kind of flexibility exists as well: although it is acknowledged here that historians, most often due to the paucity of evidence, argue about what actually happened whereas modern day judges often know very well what happened but can disagree about how an event ought to be interpreted in light of the rubric of the laws upon which their decision must rest. Yet historians have to pay attention to laws as well, but these latter go by another name, method.

In this paper I will argue that for historians, our laws, our constitution if you will, is essentially the method which we self-impose on our researches that will give us the best chance of convincing our peers and various readers that our reconstructions of past

¹¹ *Bible*, NRSV, *Acts* 17.28, *New Testament*, 105. He is recorded as saying: For ‘In him we live and move and have our being’; as even some of your own poets have said, ‘For we too are his offspring.’

¹² *Ibid.*, *Acts* 17.32-17.34, 105.

events and the motives of the people involved are reasonable and therefore acceptable, based on the evidence.

Getting to Method

For many centuries in our common past, history was not written by historian's per se, but rather by, as the old saying goes, the "victors," and those victors had a particular outlook, just as it is true of all historians.¹³ One the other hand, history over the last one-hundred years or so has been and continues to be written most commonly by historians who adhere in general to the basics of the historical method such as being aware of continuity, change, relativistic outlooks, *inter alia*,¹⁴ but such was not the case with Herodotus, Eusebius, or Augustine, for instance. These historians, it is true, wrote their histories based on what they had learned from witnesses and second hand evidence in oral or written form, in much the same way as we do today, but what colored their reconstructions of the past was their commitment to their particular world view which interpreted events in history as being part and parcel of their beliefs in the supernatural: for Herodotus, it was a recognition of the Greek pantheon of gods, and for the latter two the religion of Christianity. Josephus might be mentioned here as well, but he seems to this author to be less directed by personal and cultural bias and more attentive to the notion of a simple recording of events as best as he could reconstruct them.¹⁵ For more recent historians the essential problem has remained the same, the indubitable fact that political views, methodological commitments, or a number of such biases are part of any written history, and the great quest for historians is to manage the biases of past historians and to keep their own biases out of their reconstructions as far as possible.

Such a difficulty intrinsic to history was highlighted in the latter part of the Renaissance by humanist skeptics such as Cornelius Agrippa (1486-1535) and Francesco Patrizzi (a.k.a. Franciscus Patricius, 1526-1597) who claimed the vices of historians included, for

¹³Carr points to two important truths about historians and their histories, "...you cannot fully understand or appreciate the work of the historian unless you have first grasped the standpoint from which he himself approached it; secondly, that that standpoint is itself rooted in a social and historical background. ...The historian, before he begins to write history, is the product of history." (39-40).

¹⁴*Vide infra*.

¹⁵Josephus was a former Jewish army commander who traded sides on being captured by the Romans. He wrote his historical accounts as an advisor and translator for the Emperor Vespasian and he was close friends with the Emperor's son Titus who led the siege on Jerusalem in 70 A.D. I have read all the historians mentioned herein and Josephus reads as being less concerned with religion and politics than the three others, and more of a pure chronicler. But as with any historian, we know that some of his bias would have made it in, but my point is that such bias is significantly less obvious than with the other three historians aforementioned.

Agrippa: first, being negligent and credulous in gathering data; second, they retail hearsay as truth; third, that some have observed but only see by halves; and that, fourth, for some they did not work with public records but their own conjectures; in short, most historians were seen by this skeptic as liars.¹⁶ Agrippa writes:

For historians are at such variance among Themselves, delivering several Tales of one and the same Story, that it is impossible but that most of them must be the greatest lyers in the World. For to omit the beginnings of the World, the Universal Deluge, the building of Rome, or of any other great city, from whence they generally commence the first beginnings of their Huge Narratives – of which they are altogether ignorant, of the other generally very incredulous, and of the third very uncertain what to determine. For these things being the most remote in time, more easily gain Pardon for Vulgar Error. But as to what concerns later times and ages, within the memory of our Ancestors, there is no excuse that can be admitted for their Lying.¹⁷

For Patrizzi's part, he added a theoretical dimension to this critique,¹⁸ and noted that, first, if a historian were not present for the reported events, their veracity is not worth discussing because they rely on the unknown entity of the truthfulness of the accounts they cite; second, that even the observer will either be neutral or partisan and that with the latter we should expect distortion while the neutral party is not likely to have intimate knowledge of the situation; third, and further, that even if certain historians agree about a point it does not inhere that the truth is then established because they all may be relying on a shared rumor.¹⁹ Patrizzi's contribution, according to scholar Julian H. Franklin, is that he postulated a "good historian," in the neutral observer, only to show that this person does not have the vital information.²⁰ Patrizzi claims that the pragmatic norm of history being the insistence that an observer have an "inside" story meets the pragmatic theory of politics which has the observer keeping the secrets to themselves, and thus an accurate and instructive narrative are shown to be incompatible goals.²¹ Franklin comments: "[i]t is this incompatibility, finally, which underlies Patrizzi's "consolation." The human story, he concedes, is "truthful," but only *grosso modo* – in its coarser outlines – which means that it is "uninstructive."²² As to their general effect on history and method, he writes:

¹⁶Julian H. Franklin, *Jean Bodin and the Sixteenth-Century Revolution in the Methodology of Law and History* (New York: Columbia University Press, 1963), 90.

¹⁷Henry Cornelius Agrippa, *The Vanity of Arts and Sciences* (London and Westminster, 1676), 27, as in Franklin, *Bodin and Revolution in Methodology in Law and History*, 95.

¹⁸Franklin, *Bodin and Revolution in Methodology in Law and History*, 96.

¹⁹*Ibid.*, 96-99. Franklin is citing Francesco Patrizzi, *De historia dialogi X*, in *Artis historicae penus*, I.

²⁰*Ibid.*, 99.

²¹*Ibid.*, 99-100.

²²*Ibid.*, 100. Franklin is citing Francesco Patrizzi, *De historia dialogi X*, in *Artis historicae penus*, I, 458-459.

These attacks upon belief in history are a new achievement in the history of skepticism which is not surpassed until the nineteenth century. But they are of even greater moment for the theory of history, as an initial, if exaggerated, statement of certain fundamental principles of criticism. The most important, surely, is that all historians are subject to an element of doubt, that it cannot be presumed, in other words, that their statements are “exactly true.” In the vices mentioned by Agrippa we have a primitive listing of the forms of historical distortion. And Patrizzi’s finding that the plans and motives of an action are the class of subjects on which truthfulness is least to be presumed is not only ingenious but substantially correct. ...The limitation of the skeptics, on the other hand, is their illegitimate demand for certainty, by which doubt is turned into an absolute.²³

The exaggerations of these sixteenth century skeptics include, first, the fallacy that error proven in an author means complete mendacity; second, that from the untruthfulness of some we must assume the same of all, and worst of all, third, the inference that because history is inexact that it therefore must be useless.²⁴ And yet even though precursors, perhaps, to the excesses of post-modern philosophy in terms of epistemology, Franklin is correct in highlighting the fact that the observations of these skeptics pursuant to written histories were to become foundational ideas that were not again emphasized until the nineteenth century German revolution in the historical method which apparently brought us a, then, “new” approach to historical data.

One can see a very similar parallel existing between the assertions of the foregoing skeptics and a related problem highlighted by the twentieth century historian E.H. Carr: this historian observes that our knowledge, for instance, of Greece in the fifth century B.C. is defective primarily because it is a picture formed by a very small group of people in Athens, and barren of the perspectives of Spartans, Persians, the Athenian slaves, and a large number of other relevant groups.²⁵ We come back, then, to the fact that historians are susceptible to their own political views, methodological commitments, and/or a number of other such biases. Thus, when choosing one’s important or significant facts, as the historian may do as influenced by the motives aforementioned, Carr explains that “...the standard of historical significance is [the historian’s] ability to fit them into his pattern of rational explanation and interpretation.”²⁶ On the idea of historical significance, historian John Lukacs separates the idea of an ‘important’ fact/event from a ‘significant’ one. He writes:

²³Ibid., 101-102.

²⁴Ibid., 102.

²⁵Carr, *What is History*, 13. In another place he writes, “In the first place, the facts of history never come to us ‘pure’, since they do not and cannot exist in a pure form ; they are always refracted through the mind of the recorder.” (22).

²⁶Carr, *What is History?*, 105.

For historical importance and historical significance are not the same things: while the opening of the transisthmian canal or the first automobile assembly line in 1914 are important rather than significant events, Mussolini's turn from international socialism toward a nationalist ideology, or the sudden jump in the American divorce rate – “minor” events, these – are significant rather than important.²⁷

For Lukacs the latter examples are significant because they mark the emergence of tendencies which eventually became important, the example of Mussolini needing no elaboration.²⁸ So historians choose facts/events to suit their own research, it is true: but again, as Carr pointed out, the facts we are getting from history are from select individuals and can be coloured by a range of attitudes, aims, and convictions pursuant to the authors themselves. Thus, as Geoffrey Barraclough writes:

It is still far too little appreciated that the history we read, though based on facts, is, strictly speaking, not factual at all, but a series of accepted judgements; and it is these generalized judgements, precisely because they are so plausible and so easily assimilated, that form the minds and colour the outlook of those who cannot know the fragility of the framework upon which they rest.²⁹

It has been noted by more recent historians Martha Howell and Walter Prevenier that “any reality [facts] that lay behind the sources is, finally, inaccessible to us, no matter how skilled we are – and that we have to settle for studying the reality that sources construct rather than “reality” itself.”³⁰ The only difficulty with this claim is that, first, no historian would claim to have uncovered the whole reality based on the sources, because the only way that could be true is if the historian lived through and witnessed the event, which is almost never the case with historical studies. Second, historians would not publish anything if they thought they could not reconstruct a picture which reflected part of the reality that likely was: in other words, even though *the* reality is lost, what that reality looked like in some respects can in many cases be sufficiently suggested, and *is* on an ongoing basis by most historians. In this respect I agree with G.R. Elton's astonishment at any claim purporting that nothing can be known about the past:³¹ a great deal is known about the past, and we learn more about it every time more evidence comes to light which gives us more information about the events we happen to be concerned with.

²⁷ Lukacs, *Historical Consciousness*, 130.

²⁸ Ibid.

²⁹ Geoffrey Barraclough, *History in a Changing World* (Oxford: Basil Blackwell, 1955), 14. Also quoted in part by Carr, *What is History*, 14.

³⁰ Martha Howell and Walter Prevenier, *From Reliable Sources: An Introduction to Historical Methods* (Ithaca, NY: Cornell University Press), 149. See generally 148-150.

³¹ *Vide infra*.

Like Barraclough, John Lukacs eschews the idea of “facts.” He wrote “I have come to dislike the word ‘Fact’... I have come to prefer the euphonious word ‘event’ to ‘fact’ whenever I can.”³² Lukacs justifies this by noting that “fact” is a somewhat dry, definite, and static word whereas “event” suggests life, flow, and movement,³³ and on this point I absolutely agree. Without question, then, the historian faces this double reality of the Aegis of Zeus which deflects the arrows of “historical facts” in the former’s selection and interpretation of events, and on the other hand a Labyrinth in the style of Daedalus pursuant to the multivariate paths on which he may take the reader – and, by definition, themselves – based on his choice of facts. I venture to suggest that the risk to historians of finding themselves trapped like the Minotaur in a maze of selective facts and interpretation is then something to be wary of and prevented as far as possible by the admission of one’s world view and an explanation to the reader of how one intends to keep it at bay: again, at least to the degree which may be reasonably expected by a critically minded reader.

C. Behan McCullagh suggests that although the bias of the historian is a real concern, it can be accounted for in three general observations.³⁴ The first point is that historians are seldom constructing their depictions of the past based directly on their personal values but rather to solve a problem or construct a hypothesis with relevant information.³⁵ Historians are trained to look at all the data relevant to their problem which is available,³⁶ and here I suggest this partly forces them not to move too far out of the bounds which have been set by what is generally agreed on as ‘known’ events of the past. Secondly, “...as historians gain a more precise knowledge of the conditions under which their descriptions of the past are justified, so they may become better able to assess their rational justification.”³⁷ McCullagh also notes that since a critic may be as biased as the historian he criticizes, only the hostile expert critic or an impartial critic are in a position to assess a historical description as warranted by the evidence, thus justified.³⁸ Thirdly is the simple fact that even close attention to standards of justification by the historian may not prevent a prevalent form of bias, that of not considering alternative explanations due to their own preconceptions.³⁹ In light of these observations, I suggest that due to the existence of, in most cases, expert and impartial critics in most of the major fields of history, that historians are then obliged not to wander too far afield in their reconstructions of the past, and if per chance they do, the idea that any widely published

³²Lukacs, *Historical Consciousness*, 103.

³³Ibid.

³⁴C. Behan McCullagh, *Justifying Historical Descriptions* (Cambridge: Cambridge University Press, 1984), 233-236.

³⁵Ibid., 233.

³⁶Ibid.

³⁷Ibid.

³⁸Ibid., 234.

³⁹Ibid.

work on a subject would escape the eyes of other historians of the same field is practicably impossible.

Further, and continuing from above, without question, we are forced to acknowledge that it is precisely because humans in the past took the time to record their own reconstructions of events that later generations of historians could even conceive of interpreting the events and motivations involved pursuant to the historical personages and institutions which may be at issue.⁴⁰ So while bias may be a concern, it is far from being an insurmountable obstacle to the wide consensus amongst historians on events that, due to the historians of antiquity and other written or physical evidence, have so many different sources of evidence that we consider them as close to a fact as one can get in historical study. Collingwood wrote, “[h]istory proceeds by the interpretation of evidence: where evidence is a collective name for things which singly are called documents.”⁴¹ On the other hand, those various evidences, such as writings, inscriptions, coins, and items not intended to inform the future about the life and times of the creator, have become invaluable tools for the historian. The physical evidence, referred to as “relics,” are very helpful since, as with the *steles* (stela) that have been discovered, they not only contain information about people and places according to their inscriptions, they can also tell us the geographical location in which such objects were created and erected – and this can be determined in some cases by a building or monolith that clearly has not moved over the centuries, or by determining where the rock that was used to build the stele came from, or by other external and or written evidence that corroborates its current position, or by a combination of one or more these and other evidences. As with my own area of study, though, examining the actions of Constantine and the Christian Church and their revolutionary synthesis in the fourth century, we are left with almost exclusively documentary evidence pursuant to the events that led to this confluence of societal powers. Once this trajectory had been established by Constantine, though, we see much in the way of physical evidence throughout what was then the Roman Empire in edifices such as the City of Constantinople and the many Churches built at the Empire’s expense. As Michael Lipka pointed out, what had been the international religion of Christianity and associated with diversity, in both their geographical locations and theological doctrines, was turned into a state religion of Rome where particular spaces and places were made more important by the vaulting not only of buildings,⁴² but of a state enforced hierarchy of bishops who ostensibly signed off on

⁴⁰While it is true that without written records, the role of the historian would not have developed as it did, and history would be the subject matter alone of the anthropologist and the archeologist. As it happened, though, historians now must account for “tracks” wherever they find them, and not simply confine themselves to the assemblage and interpretation of documents. Bloch noted that the primary characteristic of historical observation is, as François Simiand put it, a knowledge of the tracks left by those in the past. See Bloch, *Historian’s Craft*, 54-55; See generally, 48-78.

⁴¹Collingwood, *Idea of History*, 9-10.

⁴²Michael Lipka, *Roman Gods: A Conceptual Approach* (Leiden: Brill, 2009).

a single Christian doctrine of God, both of which began a long process of integration with the social and political frameworks of the Roman and Western European world.

Physical evidences such as the aforementioned can then be compared with the chronicled histories left to posterity since Herodotus, and we are then able to test the veracity of the latter's accounts and/or fill in details left out.⁴³ Now, in the case of Eusebius's monograph *Life of Constantine*, for instance, we are forced to acknowledge that it still remains the most important evidence historians have for Constantine even though it is written at many points in the style of hagiography. We also must, though, also take into account Bloch's observation: "...even those texts or archæological documents which seem the clearest and the most accommodating will speak only when they are properly questioned."⁴⁴ So too must any "history" be "questioned" with the use of other evidences. Collingwood wrote:

[a historian] is reading the Theodosian Code, and has before him a certain edict of an emperor. Merely reading the words and being able to translate them does not amount to know their historical significance. In order to do that he must envisage the situation with which the emperor was trying to deal, and he must envisage it as that emperor envisaged it. ...Thus he is re-enacting in his own mind the experience of the emperor; and only in so far as he does this has he any historical knowledge, as distinct from a merely philological knowledge, of the meaning of the edict.⁴⁵

The general trajectory of these directives is that when writing on the subject of an historical event one must take account of not only the historical sources, but of both the immediate and extended contexts that give us our relevant variables for suggesting what the historical person was thinking and experiencing: thus helping us understand why they acted the way they did. We also are well advised to consult the relevant works of other historians, as well as all other relevant studies,⁴⁶ that came before us and have already engaged in this methodological process pursuant to the same historical people and events. Bloch's hope was that historians in future would tend to teamwork in their studies rather than relying on the Herculean efforts of one person:

But whatever the variety of accomplishments we may wish to ascribe to our best-equipped scholars, they will inevitably and, ordinarily very quickly, discover their own limitations. We have no other remedy than to substitute, in place of the multiple skills of a single man, the pooling of the techniques, practiced by different scholars, but all tending to throw light upon a specific subject. This method presupposes a spirit of

⁴³ Marc Bloch, *Historian's Craft*, 60-63.

⁴⁴ Ibid., 64.

⁴⁵ Collingwood, *Idea of History*, 283.

⁴⁶ Marc Bloch, *Historian's Craft*, 69.

teamwork. It also demands the preliminary definition by common consent of the several dominant problems. We are still all too distant from these goals. Nevertheless, in large measure, they will unquestionably govern the future of our science.⁴⁷

While this trajectory has perhaps not always been adhered to in the environments of academic parsimoniousness and career padding,⁴⁸ it still remains a necessity for the serious historian and is easily detected in their work by a continual recognition of the relevant work of “others.”

Metaphysics and History

Philosophies of history, sciences of history, - all these there will continue to be: the fashions of them will change, as our habits of thought will change; each new philosopher will find his chief employment in showing that before him no one understood anything; but the drama of history is imperishable, and the lessons of it will be like what we learn from Homer or Shakespeare, - lessons for which we have no words.

James Anthony Froude, *The Science of History*†

Is *actual* history truly beyond words? I suspect James Anthony Froude is right: historians, in their attempts to access history, are engaging in somewhat of a metaphysical exercise pursuant to their capacity to understand it, primarily because while imperishable in one sense, the events are, by definition, beyond the researcher’s own experience. In this section I will discuss why I think this is and suggest what might be some resultant implications stemming from this idea.

It is *a priori* the case that historians’ conclusions are dependent entities in so far as they are only the most recent link in causal chains going back to their sources: in other words, historians use the sources – including all relevant materials – at their disposal along with commentary on the sources which can be found on the linear time projection trajectory

⁴⁷ Ibid.

⁴⁸ Stanislaw Andreski, *Social Sciences as Sorcery* (New York: St. Martin’s Press, 1972), 187-197; 224-230.

† James Anthony Froude, *The Science of History*, Lecture: Royal Institution of London, February 5, 1864, as in *Modern Eloquence*, ed. Thomas B. Reed, vol. 4: Lectures F-M (Chicago: Geo. L. Shuman & Co., 1903), 467.

stemming from the earliest account of “their” event to the present.⁴⁹ Further to this and axiomatic for my own assumptions is the fact that human history consists of a conerescent⁵⁰ process wherein “everything is positively somewhere in actuality, and in potency everywhere,”⁵¹ as Whitehead wrote concerning his ontological principle. In other words, the universe is a solidarity of many actual entities.⁵² Actual or real history⁵³ is a living solidarity of this kind, and we know this because most of us accept the premise that we exist, and there is widespread consensus on the existence of our universe and, important here, for the actions of humans in the past which have led to our own existence in the here and *now*: except, in terms of time, as you read this, there goes the word ‘now.’ In truth, no sentence in its creation could ever exist wholly in the past or present: by definition and while in creation it is a combination of both. We are a people in motion, living on a planet in motion, within a galaxy in motion, and subject to the whims of a universe in motion. Even though we know these truths, illusions of stasis abound and have abounded throughout human history. The world was once thought to be still while the sun revolved around us, and when we examine a mountain, or a rock for that matter, it looks completely stable, and yet on the contrary it is in motion just like everything else on the planet. So too our experience of life can seem like it stops at times, and yet it moves at a tremendous rate even if we choose to remain motionless. Actual history is somewhat like the slow growth of a large tree which is actually constantly in motion and changing – contrary to any illusion of stasis⁵⁴ – and constantly

⁴⁹D’Arcy, *Meaning and Matter*, 16. I choose D’Arcy here for his concise wording: “Now from the beginning of recorded history men and women have been living on the evidence of others, and almost everything we think about and talk about is somewhere or other dependent upon the evidence of other people.”

⁵⁰Alfred North Whitehead, *Process and Reality: An Essay in Cosmology*, Alfred North Whitehead: *An Anthology*, eds. F.S.C. Northrop and Mason W. Gross (New York: The MacMillan Company, 1953), 927: Whitehead’s word “conerescence” is derived from the Latin verb for ‘growing together.’ The word conveys the notion of many things making up a complex and complete unity.

⁵¹Whitehead, *Process and Reality*, 2.1, 608.

⁵²*Ibid.*, 609.

⁵³When I refer to actual or real history I simply mean everything that has ever happened in the past, regardless of the fact humans were not there to witness it. It would be a very narrow minded perspective to think that only the appearance and spread of the species *Homo sapiens sapiens* should figure into the definition of the word ‘history’. Historians such as Bloch attempt to separate “the history of historians” as the only history of interest to historians and surely this is correct in the main, and yet no one would deny the appellation “history” to subjects such as “history of the universe,” “history of the cell,” etc. Bloch emphasizes his own view in *Historian’s Craft*, 22-27. G.R. Elton writes: “If [an] event were unknowable – if no evidence of it had survived at all – it would certainly be neither fact about the past nor historical fact – it would have ceased to exist and that piece of potential history would never have materialized – but it would still, of course, have occurred, independent of any historian.” (56). Elton also used similar terminology to my own when he wrote: “... for ultimate history is what *actually* happened, even though we shall never be able to rediscover it in full or with total assurance.” [Emphasis added] (56).

⁵⁴An interesting side in this discussion can be found D.M. Armstrong’s response to Evan Fales in: Evan Fales, “Are Casual Laws Contingent?,” *Ontology, Causality, and Mind: Essays in Honour of D.M. Armstrong*, eds. John Bacon, Keith Campbell, et al. (New York: Cambridge University Press, 1993):121-143. Armstrong writes: “Consider a stone today and that stone yesterday. Although, by hypothesis, it is ‘the very same

converting the universe of which it is a part. Marc Bloch wrote “historical time is a concrete and living reality with an irreversible onward rush. It is the very plasma in which events are immersed, and the field within which they become intelligible.”⁵⁵ G.R. Elton further points to the fact that unlike the natural sciences wherein experiments are “invented,” and certainly manipulated, by the researcher, historians cannot invent their experiments and thus they are not able to “escape the first condition of [their] enterprise, which is that the matter he investigates has a dead reality independent of the enquiry.”⁵⁶ In one sense, we might borrow from Aquinas’s argument on God’s existence from necessity, and rather than his penultimate premise ‘something does exist now,’ it becomes for historians, “something did exist then.”⁵⁷ Human history, as only one part of

stone’, this assertion of identity raises certain problems. In particular, the stone yesterday will have certain properties that the stone today lacks and vice versa. For instance, the temperatures of the stone at the two times may be incompatible with each other. But how is this possible if what we are dealing with is the identical subject of predication? ... There are various solutions on offer.... [but] the one we are interested in here, is to partition things that exist through time into two classes. Some things – genuine atoms and souls were the traditional examples – are in their nature completely unchanging; only their environment changes. As a result, a problem such as that of the incompatible temperatures cannot arise for these things. These things are strictly identical over time. Other things, such as stones, have only what Bishop Butler called a ‘loose and popular’ identity over time.” (147). At another place in the same collection, Armstrong writes: “Armed with this distinction between absolute and relative sameness, we can make good sense of some things said by past philosophers, in particular Bishop Butler’s ‘loose and popular identity (1736, Dissertation: ‘Of Personal Identity’) and Hume’s ‘fictitious’ or ‘feigned’ identity (1738/1888, Book 1, Part IV, Section 2). Again, we say that a thing or person today is the very same thing or person that existed yesterday. This was the problem that Butler and Hume were discussing. Some metaphysicians hold that. In favourable cases at least (unchanging atoms; souls), this is a matter of absolute identity. Others maintain that all that is ever involved is a relative identity. On this second view absolute identity cannot be maintained over time. What we have instead is a class of short-lived objects (time slices) that (more or less) form an equivalence class. The nature of the equivalence relation is a matter of controversy here. Some favour spatiotemporal continuity, others some sort of causal connection between the short-lived objects. But without adjudicating that dispute here. I will just say that I take the relative identity view, thus showing that the cat can jump in different directions in different situations.” D.M. Armstrong’s response to David Lewis in: David Lewis, “Many, but Almost One,” *Ontology, Causality, and Mind: Essays in Honour of D.M. Armstrong*, eds. John Bacon, Keith Campbell, et al. (New York: Cambridge University Press, 1993): 41.

⁵⁵ Bloch, *Historian’s Craft*, 27-28.

⁵⁶ Elton, *Practice of History*, 53. On this same point, he also writes: “The historian cannot verify [like the natural scientist using the scientific method]; he can only discover and attempt to explain. In the work of discovery he has the assurance that he is looking for something that once had existence and is therefore, in theory, discoverable.” (54). Also, “[t]he independent and real existence of historical events implies that, in theory at least, they can be observed absolutely, and for a very large number of somewhat basic facts this holds good.” (59). While one may not agree with Elton’s “observed absolutely” we can still take the nub of his point seriously. See related comments from Elton at 61ff.

⁵⁷ Thomas Aquinas (1225-1274): this thirteenth century Roman Catholic philosopher’s argument for God from necessity basically posits the following: 1. Beings are either dependent [like a baby on its mother] or independent; 2. If everything were an dependent being, then nothing would exist now [the implication being that the illimitable examples of dependent beings we have discovered so far in the universe (people, stars, galaxies, frogs, etc.) imply that if we go back far enough in the causal chain we will find that by definition a first being could not have been dependent because then they would not be correctly the first

a larger *actual* history of the universe, is also a story of concrescence ('growing together') in which human kind is constantly caught in motions of growth and change in which the building blocks of our lives, atoms, are the exact same as those constituting the much larger and largely unknown universe. Collingwood wrote, "are not natural processes really historical processes, and is not the being of nature an historical being?"⁵⁸ He also challenges the implications of an evolutionary conception of nature worked out by the likes of Whitehead and other philosophers,⁵⁹ which resolve nature into history and he writes "...it might seem to be provided by Mr. Whitehead's doctrine that the very possession of its attributes by a natural thing takes time."⁶⁰ Collingwood counters by proposing that as history is not the same thing as 'change' *simpliciter*, it is also not like 'timefulness,' meaning that just because a natural entity inhabits time does not give the former's actions the status of actions as we think of them pursuant to human history.⁶¹ For Collingwood, an event has an outside, entailing bodies and their movements, and an inside, consisting in terms of thought. For him an action is the unity of these two aspects pursuant to an event.⁶² In contrast to what I herein have identified as "actual history," including all events in the universe from the flowering of a yellow rose in sunlight to the creation of galaxies, Collingwood separates off the historian's idea of history as dealing with actions consisting of events with an outside and inside. He concludes that "...the processes of events which constitute the world of nature are altogether different in kind from the processes of thought which constitute the world of history."⁶³ Like most historians, Collingwood argues for a separation between the history of humans and the history of everything,⁶⁴ but we must always remember that the history of humans is within, dependent on, and subordinate to the history of everything.

If my suggestion of an "actual history" is beyond the historian's reach, it does not mean we are not subordinate to it, it only means that the historian's concerns are circumscribed by their incapacities as humans and, as with most living creatures, their insatiable appetite for pleasing themselves: and for humans, this entails "knowing" themselves, for which history is a potent and well used elixir. John Lukacs insists that the "history of everything amounts to the thing itself,"⁶⁵ which may come across at first blush as implying that, for instance, the history of the Nicene Creed is in fact that remote

being]; 3. Something does exist now; 4. Therefore an independent being must have existed as the progenitor of all we know – dependent beings.

⁵⁸ Collingwood, *Idea of History*, 210.

⁵⁹ Collingwood, *Idea of History*, 211: The author mentions three: Whitehead, M. Bergson, and Mr. Alexander.

⁶⁰ *Ibid.*, 212.

⁶¹ *Ibid.*, 212.

⁶² *Ibid.*, 213.

⁶³ *Ibid.*, 217.

⁶⁴ *Ibid.*, 215.

⁶⁵ Lukacs, *Historical Consciousness*, ix.

event in 325 all by itself, as an event within actual history. This cannot be true, of course, because if that were the case we would have no access to its history whatsoever, and this is not what Lukacs meant. If I read him correctly, the history of the Nicene Creed would be its existence and all manifestations thereof from the moment it was first written until the present moment where someone in a church somewhere is invariably repeating a version of it as you read this. In this sense, then, we can separate in our minds the reality of an “actual history” versus the idea of a “history of,” the latter being the dependent and yet constantly emerging reality within “actual history”. With this in mind, then, the historian who examines event-entities occurring at one tiny point in time on such a massive trajectory of actual history must keep in mind the context for his or her own subjects of study,⁶⁶ and it is almost always the case that their suggestions about historical subjects can be contextualized adequately with deference to contemporary instantiatinal and situational grids of evidence.

Historians’ claim an event as a subject of study but in almost all cases, he or she had nothing to do with the event itself, unless they study historical events that they experienced firsthand, and in that case we are dealing with a primary source, and one in which a single perspective is gained. If the alleged event only involved that one historian and no other person, their account would be the only information we had, but it would not ensure that the event actually happened, or that the description of the event accorded with what physically happened, hence it begins to tread already, just one abstraction away from the event itself, on the verge of the metaphysical. Related to this is the claim that predictability, and I would include objective observation, is intrinsically impossible in the study of a system of which the observer forms a part.⁶⁷ Even in light of this, G.R. Elton’s rightly warns historians off taking this variable too far when he writes:

But that men cannot ever eliminate themselves from the search for truth is nonsense, and pernicious nonsense at that, because it once again favours the purely relativist concept of history, the opinion that it is all simply in the historian’s mind and becomes whatever he likes to make of it.⁶⁸

Collingwood, perhaps, states it slightly more delicately:

⁶⁶ Carr writes, “The men whose actions the historian studies were not isolated individuals acting in a vacuum: they acted in the context, and under the impulse, of a past society.” *What is History*, 35.

⁶⁷ Andreski, *Social Sciences as Sorcery*, 22. Andreski poses the issue but claims there is no need to accept the universal determinism doctrine, but that we can explain many phenomena causally, not all are known, and we may indeed discover new ones.

⁶⁸ Elton, *Practice of History*, 57. Elton is here responding to E.H. Carr’s historical philosophy (see 55-58) which posits, according to the former, that “[t]he difference between facts about the past and facts of history hangs upon ‘the element of interpretation’ which the historian adds to the former in order to create the latter...” (55).

Every historian is aware that on occasion he does tamper in all these three ways with what he finds in his authorities. He selects from them what he thinks important, and omits the rest; he interpolates in them things which they do not explicitly say; and he criticizes them by rejecting or amending what he regards as due to misinformation or mendacity.⁶⁹

Lukacs adds to this conversation, somewhat, by writing that “...the historian, as every one of his fellow human beings, should be aware of his limitations. Truth is not given to him. His personal task is, I repeat, the reduction of untruth, and – consequently and simultaneously – the pursuit of truth.”⁷⁰ Related to these observations is an axiom of the historical method which acknowledges that historians bring their own worldview and predispositions to their own studies of any given subject.⁷¹ Historians ought then to examine their fundamental assumptions. A historian needs, to the best of their ability, to keep their own worldview and personal biases from impinging on their critical and reasonable reconstruction of the sources: a healthy academic environment involving peer review and suggestion is one key way of managing this risk.

The foregoing discussion is one way of conveying that any historical account – whether it be first hand, second hand but contemporary, or later remembrances and accounts based on a harmonization of sources – gives us a presentation of events which, when triangulated with other contemporary accounts, can sometimes give us a fairly solid idea of the main brush strokes in a picture of what really happened, but yet will always remain beyond any measure of strict accuracy in material terms. But history is not a science, and is not interested in strict physical measurements and predictability: history is discipline within the broad category of liberal arts which is most concerned with the idea of communication: and in this specific discipline it is about communicating past evidence about humankind to create a picture of what humans have been and done throughout their history.

Truth, Morality, Laws and the Law

What humans have done throughout their history is also fundamental to any system of law, since it is *a priori* the case that laws have been created *post facto* in regards to the contexts which gave rise to their being engaged in a particular case. The practice of paying deference to precedent is wedded to the idea that, as Shakespeare put so

⁶⁹ Collingwood, *Idea of History*, 235.

⁷⁰ Lukacs, *Historical Consciousness*, 358.

⁷¹ Robert Jones Shafer, ed., *A Guide to Historical Method*, 3rd ed. (Homewood, Illinois: The Dorsey Press, 1980), 16,18.

eloquently, "...what's past is prologue."⁷² Past practice as a guiding principle for future decisions means ideally that law cannot be recklessly capricious but rather must produce outcomes that society has *previously* agreed on as being reasonable pursuant to those people similarly situated before the law. In this sense, moving from one decision connected to the next with slight variations based on the changing mores of society reflected in changing legal instruments makes the growth of legal systems somewhat like a film where every frame is connected to the last one, but is yet slightly different. And yet if you looked at one-hundred of those frames as they appear on raw film you would see very little difference, if at all, from the first to the last, but on the other hand you would see a tremendous difference if you looked at frames that were 10,000 apart from one another. History, on the other hand, is more like a single frame, or a still picture, but those many still pictures, as different as they might be from one another, often give us enough information to make general observations about how similarly situated people, groups, or states have behaved in the past and how they may do so again. As pointed out above, there are many intersecting lines of intent between actors within the legal system and historians.

It is within these intersecting lines of intent and inquiry that we find law and history looking for the same thing, the truth. Law and history are also about referent moralities, evolving moralities, about right and wrong, about justice, and this is so because law and history both are reflections of their concomitant contexts, and thus both speak to their referent ideals, an idea I have explored elsewhere.⁷³ In the following discussion I interact with the views of historians so as to better understand what one might reasonably expect from historical research in terms of its ability to provide us with 'truth', the touted bellwether of both law and history.

Historians on History

As to the question of whether history teaches us anything beyond 'what people have done and what we are,'⁷⁴ it was recognized more than a century ago that very little beyond the common experiences of humankind can be determined from a purely

⁷²William Shakespeare, *The Tempest*, act II, scene i, lines 253–54. Antonio is speaking.

⁷³C.G. Bateman, "Law as Referent," *Journal Jurisprudence*, vol. 10: *Jurisprudence Today* (Trinity Term, 2011): 225–270.

⁷⁴Paraphrase of Collingwood, *Idea of History*, 10.

historical study. The noted historian James Anthony Froude, in contending that history could never be a science, wrote:

One lesson, and only one, which history maybe said to repeat with distinctness: that the world is built somehow on moral foundations; that, in the long run, it is well with the good; in the long run, it is ill with the wicked. But this is no science; it is no more that the old doctrine taught long ago by the Hebrew prophets. The theories of M. Comte and his disciples advance us, after all, not a step beyond the trodden and familiar ground. ...So far as those parts of man's doings are concerned, which neither have, nor need have, anything moral about them, so far the laws of him are calculable. ...But pass beyond them, and where are we? In a world where it would be as easy to calculate men's actions by laws like those of positive philosophy as to measure the orbit of Neptune with a foot rule, or weigh Sirius in a grocer's scale.⁷⁵

Froude claimed the impossibility of historical prediction precisely because the moral life of humankind, which was so painfully obvious to all in its good or bad instantiations, was so mixed, even in relation to the smallest variable of an individual human. If humans were consistently selfish, or consistently noble, then you might derive laws, but "so long as the two natures are mixed... so long you will make nothing of [them] except from the old-fashioned moral... point of view."⁷⁶ For Froude, the ubiquitous presence of a morality of right and wrong in the human story meant, for instance, that injustice was always and ultimately shown to be overwhelmed by terrible retributive consequences like the French revolutions.⁷⁷ While we can see what he meant, that brutal regimes often come to a bitter end, this is hardly consolation for any person or group of people who suffered or are now suffering under such, and Froude does not provide any guarantee or proof that such a regime could not last indefinitely, he relies only on past experience. But many historians discussed herein are perfectly comfortable with these kinds of generalizations as long as they are exactly that: events that are general occurrences in the experience of humankind.

Beyond the observation of a moral component as a lesson derived from the study of history, Froude insists that another lesson history teaches is that we should not sketch out the future based on the past with any kind of certainty we will be correct. He writes:

Revolutions, reformations, - those vast movements into which heroes and saints have flung themselves, in the belief that they were the dawn of the millennium, - have not borne the fruit which they looked for. ...These great convulsions leave the world changed – perhaps improved, but not improved as the actors in them

⁷⁵Froude, *Science of History*, 456-457.

⁷⁶*Ibid.*, 459.

⁷⁷*Ibid.*, 461.

hoped it would be. Luther would have gone to work with less heart, could he have foreseen the Thirty Years' War.⁷⁸

Froude's methodology demanded, wherever possible, "[l]et us hear the [historical person] speak, let us see [them] act, and let us be left to form our own opinions about him."⁷⁹ For this nineteenth century historian, it was precisely what the historian should not do, telling the readers how to understand the facts beyond the latter's own testimony, which was the most important guiding methodological consideration to be made. Yet Froude's methodology was dependent on an earlier German school of modern historians, and scholar C.H.S. Fifoot pointed out that this idea of letting the historical person speak came from the early nineteenth century German historian Leopold von Ranke, who along with Friedrich Carl von Savigny and Barthold Georg Niebuhr, were the founders of modern history.⁸⁰

Two dicta of Ranke are of special significance. In the first he proclaimed the true function of the historian: 'not to judge the past or to instruct the present, but merely to show how things actually were.' In the second he indicated his proper technique; he was to build 'not on the accounts of contemporary historians, much less on derivative writers, but on the relations of eye-witnesses and on original documents.' The art of the historian, in effect, was the art of cross-examination, and hearsay evidence was admissible only as secondary and reluctant testimony.⁸¹

As we will see, though, the idea that 'the facts speak for themselves' was challenged by many later historians such that historians today are expected not only to tell the readers what they interpret the facts to mean, they also must justify it with reasons why their interpretation of those facts should be reasonably believed. But Froude's methodological trajectory of sticking with what we know is a helpful idea reigning in the polemical side of a historian's thought, and while it is true he perhaps asked too much of the 'facts,' his insistence that nothing more than the common experiences of human-kind could be derived from history and that it could never be a science were both ideas taken up a century later by historians such as P.H. Nowell-Smith.

Nowell-Smith pointed out a number of decades ago,⁸² that to say that history and the conclusions of historians are not scientifically worked out or proven is not to say that

⁷⁸ Ibid., 461.

⁷⁹ Ibid., 467.

⁸⁰ C.H.S. Fifoot, *Law and History in the Nineteenth Century*, Selden Society Lecture, Hall of The Middle Temple, 13 March, 1956 (London: Bernard Quaritch, 1956), 4.

⁸¹ Ibid., 4-5. Here Fifoot was quoting from the prefaces of Ranke's *History of the Romance and Teutonic Peoples* (1824) and *German History in the Reformation Era* (1839).

⁸² P.H. Nowell-Smith, *Are Historical Events Unique?*, *Proceedings of the Aristotelian Society*, New Series, vol. 57 (1956-1957).

those same entities are not useful to the human endeavour, by no means. He encouraged us to remember that we learn general truths, in part by reading history, and partly by our own experience: and to demonstrate he noted, “I have no first-hand knowledge of scheming statesmen; but I know some scheming academics.”⁸³ Of the discipline of history, he shows that historians do not make deductions but summaries, that instances of species is not possible in history, that when history uses a generalization they amount to common knowledge, and that generalizations only serve to make other explanations unpalatable.⁸⁴ W.H. Walsh notes similarly: “[t]he central preoccupation of the historian, there seems no doubt, is not with generalities, but with the precise course of individual events: it is this which he hopes to recount and render intelligible.”⁸⁵ M.M. Postan had realized this thirty years earlier:

History, it was thought, could, when suitably employed, not only show up the imperfection of rational propositions but also support general propositions of its own. But the subsequent two or three generations, above all the mid-decades of the Victorian age, taught history yet another lesson. For while the historical school of jurisprudence, Savigny and the rest, found it only too easy to demonstrate the imperfection of the universal principles of rationalist jurisprudence and political theory, they have not been able to replace them with a single historical principle capable of direct general formulation.⁸⁶

Postan also noted that the very subjects of study in history, however general they might appear, all have an individual existence and that the historian always writes what amount to biographies, that is, accounts of single combinations of circumstances.⁸⁷ Yet these same combinations of circumstances must be put together in order to reconstruct not general laws inferred from a single instance, but to reconstruct as best we can that single instance. Nowell-Smith concludes, “I ... liken historical explanation to the construction of a jig-saw or pattern into which pieces, the discovered facts, have to be fitted to form what is, in some sense or other, an intelligible whole.”⁸⁸

This central idea of an intelligible whole is key to understanding what it is a historian reconstructs with his or her own interpretations of the motives of historical figures based

⁸³ Nowell-Smith, *Historical Events*, 122. See also Andreski, *Social Sciences*, 9-10.

⁸⁴ Nowell-Smith, *Historical Events*, 139. Carr writes that “[j]ust as from the infinite ocean of facts the historian selects those which are significant for his purpose, so from the multiplicity of sequences of cause and effect he extracts those, and only those, which are historically significant; and the standard of historical significance is his ability to fit them into his pattern of rational explanation and interpretation.” *What is History?*, 105.

⁸⁵ W.H. Walsh, *Philosophy of History: An Introduction*, rev. ed. (New York: Harper Torchbooks, 1967), 39.

⁸⁶ M.M. Postan, *The Historical Method in Social Science: An Inaugural lecture* (Cambridge: At the University Press, 1939), 28.

⁸⁷ *Ibid.*, 31.

⁸⁸ *Ibid.*, 127. See also, D’Arcy, *Meaning and Matter*, 21 & 23; Shafer, *Historical Method*, 6.

on the source materials.⁸⁹ These reconstructions and interpretations also require, according to Elton, an imaginative turn in the mind of the historian.⁹⁰ He wrote that “the historian must read not only with the analytical eye of the investigator but also with the comprehensive eye of the story-teller. The truth is the product of this double process: understanding what the evidence really says, and understanding how it fits together.”⁹¹ Carr similarly notes that historians need an imaginative understanding pursuant to the historical personages they deal with, and yet he warns against having sympathy since that may imply agreement.⁹² Collingwood wrote that:

The historian’s picture of his subject, whether that subject be a sequence of events or a past state of things, thus appears as a web of imaginative construction stretched between certain fixed points provided by the statements of his authorities; and if these points are frequent enough and the threads spun from each to the next are construed with due care, always by the *a priori* imagination and never by merely arbitrary fancy, the whole picture is constantly verified by appeal to these data, and runs little risk of losing touch with the reality which it represents.⁹³

If we combine the observations of these aforementioned historians, *I suggest that ideally the historian is then using their imagination to re-construct a history based on sources which reads as an intelligible whole*. Further to this, we are also encouraged by historian John Lukacs to keep in mind that “history is thought and spoken and written with words; and the historian must be master of his words as much as of his “facts,” whatever those might mean.”⁹⁴ One can see the integral relationship here between ‘imagination’ and the historian’s use of words: perhaps the latter can be encompassed by the former and assumed to be part of it. Separating the two ideas apart, though, brings it to the front of a historian’s mind that when using imagination to re-construct a historical event in an intelligible whole that the reader must be given the most fulsome picture of the event using the words that convey this re-construction most clearly.

⁸⁹ Cf. Carr, *What is History?*, “What the historian is called on to investigate is what lies behind the act; and to this the conscious thought or motive of the individual actor may be quite irrelevant.” (52).

⁹⁰ Elton, *Practice of History*, 84. The author concludes that: “Imagination, controlled by learning and scholarship, learning and scholarship rendered meaningful by imagination – these are the tools of enquiry possessed by the historian. He knows that what he is studying is real; he knows that he can never recover all of it and that within his area of recovery the certain, the probable and the speculative will coexist. In short, he knows that the process of historical research and reconstruction will never end, but he is also conscious that this does not render his work unreal or illegitimate.” (87).

⁹¹ Ibid.

⁹² Carr, *What is History*, 24. In this section he is reviewing Collingwood’s outlook and agreeing with this particular aspect of it.

⁹³ Collingwood, *Idea of History*, 242.

⁹⁴ Lukacs, *Historical Consciousness*, 114.

On the power of language in history and history-making, there are certain key axioms one ought to keep in mind while constructing these “intelligible wholes”. It was the General Semantics school, beginning with Alfred Korzybski in 1933, that showed decisively that “[t]he map is *not* the territory it represents....”⁹⁵ It only takes a moment of inductive reflection to see how this is absolutely the case. Who will argue that a map of Disneyland is actually Disneyland *itself*? Who will argue that a map of the world is indeed *the* world? Of course, putting it in these terms makes such an observation transcendentally – in the Kantian sense – clear and not susceptible to falsifiability. A later General Semantics writer, S.I. Hayakawa, emphasized this point more lucidly by insisting that “[t]he symbol is NOT the thing symbolized; the word is NOT the thing; the map is NOT the territory it stands for.”⁹⁶ This is what the historian must keep in mind while creating his own “maps” of past events. When I look at a source document on Constantine, say *Life of Constantine (VC)* by Eusebius of Caesarea, the story of that Emperor’s rise from a son of one of four Caesar’s – the tetrarchy instituted by Diocletian – to the triumphant Christian Emperor is not actually those events at all. They are, at best, abstracted portrayals of Constantine’s life based on, if we take Eusebius at his word, a number of sources: “I would be ashamed of myself if I did not put together what I can....”⁹⁷ It is clear to modern scholarship that Eusebius cites at least two of his previous works, fifteen legal documents, forty scriptural references, the odd reference to a secular history, and oral testimony from Constantine on some matters.⁹⁸ It is evident that Eusebius, having inherited a library and vast learning from Origen of Alexandria,⁹⁹ certainly did “put together” a number of sources to construct his story. Seen from the General Semantics perspective, Eusebius was building his own *map* of Constantine’s life based on over fifty other maps, and with the exception of his own

⁹⁵ Alfred Korzybski, *Science and Sanity: An Introduction to Non-Aristotelian Systems and General Semantics*, fourth ed. (Lakeville, Connecticut: The International Non-Aristotelian Library Publishing Company, 1933; 1958), 58.

⁹⁶ S.I. Hayakawa, *Language in Thought and Action* (New York: Harcourt, Brace and Company, 1941; 1949), 31. Hayakawa takes “the map is not the territory” directly from the first person to bring General Semantics into the main stream of academia, Alfred Korzybski: Alfred Korzybski, *Science and Sanity: An Introduction to Non-Aristotelian Systems and General Semantics*, fourth ed. (Lakeville, Connecticut: The International Non-Aristotelian Library Publishing Company, 1933; 1958). Korzybski, in turn, apparently [p. 247] took the mapping idea from E.T. Bell, *Numerology* (Baltimore: The Williams & Wilkins company, 1933). Another theory which borrows heavily from this comes from sociologist Edward T. Hall, who suggested the idea of Extension Transference (ET) in which an extension is confused with the process intended: Edward T. Hall, *Beyond Culture* (Garden City, New York: Anchor Books, 1977), 28-29. Hall does mention Korzybski and Wendell Johnson and predecessors of his who had a similar idea first and were the founders of semantics.

⁹⁷ Eusebius of Caesarea, *Eusebius: Life of Constantine*, trans. Averil Cameron and Stuart G. Hall (Oxford: Clarendon Press, 1999), 1.10.1, 71.

⁹⁸ Cameron and Hall, *VC*, Intro., 13-24.

⁹⁹ For more on the life and influence of Origen on Eusebius, see: C.G. Bateman, *Origen's Role in the Formation of the New Testament Canon* (Thesis (M.C.S.): Regent College, Vancouver, B.C., 2008.), Theological Research Exchange Network (Series) #048-0352: available at SSRN, <http://ssrn.com/abstract=1653073>.

works, these were all maps constructed by other people – seemingly the most of important of which should have been Constantine’s own version of certain events. Eusebius, in the *VC*, leaves to posterity a map of reality, based on a number of other maps, which were themselves, based on other maps of reality. In other words, what Eusebius gives us in the *VC* is not what happened exactly in the actual “life” of Constantine. On the other hand, it is probably the biggest source of information that historians have had access to thus far on the “life” of Constantine. The “General Semantics Boys” – as they are affectionately called sometimes – taught us that being aware of the abstracted nature of documents pretending authority is something akin to a requirement for academics who base their theses on these maps: and historians, least of all, can escape such a duty. So with Lukacs and Berger’s suggestions in mind, the historian is to construct a map of history that employs clear and precise language with a foundational tenor of humility in the work which is communicated to the reader by noting at appropriate junctures how tentative are the various pieces of evidence and the very suggestions and conclusions the author wishes to put forth. Great historical work can be an intelligible whole without being conclusive, in fact it must not be, but only suggestive. Even in light of these observations and suggestions from general semantics, there is a great deal to be learned about historical personages and their character and contexts based on the “maps” left to us by their contemporaries.

This aspect of character and context was highlighted by historian’s Carr and Collingwood who proposed a seminal technique which, in some form or another, has remained a core element of writing history since: “[h]istory cannot be written unless the historian can achieve some kind of contact with the mind of those about whom he is writing.”¹⁰⁰ Collingwood had earlier taken the idea further, claiming that the science of human nature itself can only be done by history, and that in keeping with Locke, the right method for understanding human nature is the historical and plain method.¹⁰¹ R.G. Collingwood’s contribution to the philosophy of history was to make clear a technique which although previously had been sometimes practiced, had not been as popularly emphasized. For Collingwood, history was the history of thought. He wrote:

The processes of nature can therefore be properly described as sequences of mere events, but those of history cannot. They are not sequences of mere events but processes of actions, which have an inner side, consisting of processes of

¹⁰⁰Carr, *What is History*, 24. John Lukacs writes similarly, “...the motive factors in the history of the world even now ought not to be sought in economic developments as much as within nations and ultimately within the minds and hearts of persons in the midst of nations.” Lukacs, *Historical Consciousness*, 212. I think it is clear that Lukacs is referring both to studies of past and present here, and as we know by definition, technically, any study that is taken up is about the past, since as soon as an event is observed it is in the past. It may be more helpful if we think about studies about humans in general as being historical studies *simpliciter*, even if sociology, history, etc. tend to different methods and methodologies.

¹⁰¹Collingwood, *Idea of History*, 209.

thought; and what the historian is looking for is these processes of thought. All history is the history of thought.¹⁰²

For Collingwood this meant a re-thinking of the thoughts of the historical personage under study. Using his famous example of Julius Caesar, he suggests that we not only imagine the actions described concerning the man and Emperor, but that we be able to make suggestions as to what thoughts those were which compelled Caesar to carry out various actions. He claims that all history is a re-enactment of past thoughts, but in the historian's own mind: and the researcher does this by bringing to bear on the problem all their understanding of the particular area, such as 'politics' with Caesar, and he or she must do this in the context of their knowledge and criticize it, judge its value, and correct its errors where they find them.¹⁰³

While Collingwood's direction of re-thinking the thoughts of historical personages to discover the motivations which moved them to act is a bedrock concept in the historical method, he at times seems to move further into metaphysical claims than his baseline idea can bear. He claimed that the historian was concerned with thoughts alone, and that events were only circumstantial to the revealed thoughts.¹⁰⁴ Events are *sin qua non* to any historian's research, to leave them out of a historical study and examine only thoughts is to move from history to a speculative metaphysical, ethnological, and epistemological research project. In fact, without the subsequent events, the product of Collingwood's antecedent thoughts, we know *a priori* that we would have never known to look for the thoughts at all. Sometimes in history we know nothing about a personage except for an event they were part of, and thus to construct their thoughts with only the event as contextual data would be speculative.

John Lukacs' historical philosophy was claimed to be in this "thought" line of Collingwood's, but Lukacs attempts to separate himself from this most influential of the historical philosophers. Lukacs wrote, "[f]or Collingwood, with all of the important recognitions of his idea of history, could not quite liberate himself from his inherited positivism."¹⁰⁵ Lukacs offers what he accords as proof of this in claiming that Collingwood's focus on the inside of events, the thoughts of the actors, is too narrow an explanation and Lukacs instead insists that the historian see the world in two ways,

¹⁰²Ibid., 215.

¹⁰³Ibid.

¹⁰⁴Ibid., 217.

¹⁰⁵Lukacs, *Historical Consciousness*, 351-352. Lukacs may be right that in claiming Collingwood inherited some positivist tendencies, which the latter admits to fighting against (*Idea of History*, 228), but ironically even Lukacs himself was prone to this in his categorization of 'important' versus 'significant' events – even though he claims "It is not my purpose to establish categories for a classification of events. All such categories leak. Historical life is infinitely stronger and richer than historical theory." (131). Yet, disavowing oneself from 'categorizing' when that is precisely what he did is somewhat misleading, and perhaps dulls his own criticism of Collingwood, who came before him, for doing the same thing.

“from the outside in and from the inside out – and both of these experiences and thoughts occur simultaneously.”¹⁰⁶ I do not think, if given the chance to answer this charge, that Collingwood would deny the obvious symbiotic relationship between the inside and outside of an event – the fact that he first gave his novel idea the appellations he did is instructive on this point – but rather that the historian’s main task was not the ‘what’ of an event but the much more instructive ‘why’. Everyone is given the ‘what’ in the extant evidence, yet it is only the gifted historian who can imaginatively reconstruct the ‘why’.

Collingwood himself points to the limitations of an historian’s mind wherein historical matter may be unintelligible in some cases. Collingwood writes:

It may thus be said that historical inquiry reveals to the historian the powers of his own mind. Since all he can know historically is thoughts that he can re-think for himself, the fact of his coming to know them shows him that his mind is able (or by the very effort of studying them has become able) to think in these ways. And conversely, whenever he finds certain historical matters unintelligible, he has discovered a limitation of his own mind; he has discovered that there are certain ways in which he is not, or no longer, or not yet, able to think.¹⁰⁷

And yet Collingwood’s overreaching speculations must not crowd out the very seminal tool that he emphasized as his main thesis: that historians would do better not to merely describe historical events or repeat what historical personages are alleged to have done, which we have evidence for, but instead to get behind the events, to get *inside* them – to use his word – to suggest what thoughts and motivations likely moved Caesar, for instance, to make the decision to cross the Rubicon. Contrary to any inference one might take from Luckas’ claim that the more senior historian still adhered to positivism, Collingwood stated he was engaged in a running fight against a positivist conception of history that treated events as a scientist would handle natural events:¹⁰⁸ and so we can re-think Collingwood’s thoughts, and find here one of them which goes some way to explaining the historical event of his fight against the positivist influence in history in his book, *The Idea of History*.

Also engaged in a fight against positivism was Lukacs himself in his most important monograph, *Historical Consciousness*. His main point was that beyond the fact that complete objectivity is impossible and deceiving, that inherent in looking at history as a form of thought was the condition that the history of everything may not only be the explanation of it but also that “the historical description of an idea amounts to that idea, *impure et*

¹⁰⁶ Ibid., 352.

¹⁰⁷ Collingwood, *Idea of History*, 218.

¹⁰⁸ Ibid., 228.

complexe."¹⁰⁹ This historian insisted that a consciousness of history demands the rejection of determinism, whether objective or subjective, and further necessitates a recognition of historical knowledge as personal and participant.¹¹⁰ He clarifies this somewhat by writing:

It is not only that in history the observer and the observed belong to the same species: It is that the kind of understanding which is – or rather, should be – required of the historian inevitably involves a kind of sympathetic participation in the person or persons, in the lives and in the minds, in which he is interested, and which he will attempt to describe.¹¹¹

Burckhardt before him, Lukacs admits, first suggested that the interest of the historian needs to be personal, authentic, and participatory.¹¹² So as Lukacs seems to have taken his cue with the phrase and idea of an evolving “historical consciousness” from Collingwood,¹¹³ and then his idea of participant knowledge from Burckhardt, he himself finds himself in the evolving stream of his own historical consciousness and thus any criticism of Collingwood’s ideas are muted by the manifest debt Lukacs owes to the former, which he seems to finally agree with, at least in part.¹¹⁴

The historical method being discussed herein aims for nothing less than such a standard: *this standard requires an imaginative re-construction of an historical event and its concomitant personages which is, clearly, based on extant data, but which also must engage in a participatory re-thinking of the characters involved such that the end result can be read as an intelligible whole.* Now, while with Froude and Nowell-Smith we can claim that history is not science, we still understand how these suggestive, intelligible, historical studies can provide us with useful information about how similarly situated human beings acted in the past and therefore might do so again.¹¹⁵

Again, historians are attempting not only the “what” of history, but as we have witnessed in the words of many influential historians, there is a germane focus on the “why”. Why did an event happen in one way instead of another? Further, because we have recorded

¹⁰⁹Lukacs, *Historical Consciousness*, 324-325.

¹¹⁰*Ibid.*, 325.

¹¹¹*Ibid.*, 355.

¹¹²*Ibid.*

¹¹³*Ibid.*, 45. Lukacs quotes Collingwood as writing: “...It is only when a man’s historical consciousness has reached a certain point of maturity that he realizes how different have been the ways in which different sets of people have thought.” Lukacs cites this as being on p age 86 of *The Idea of History*, but it is not, it actually comes from R.G. Collingwood, *An Essay on Metaphysics*, ed. Rex Martin (Oxford: Oxford University Press, 1940; 1998; 2002), 56.

¹¹⁴Lukacs, *Historical Consciousness*, 352. Lukacs does this in a footnote unfortunately and closes his criticism of him with the observation of another scholar. J. O’Connell, “R.G. Collingwood: The Historical Dimensions of Consciousness,” *To-Wards* (Los Angeles, Winter 1980-1981).

¹¹⁵Carr, *What is History*, 37. “Great history is written precisely when the historian’s vision of the past is illuminated by insights into the problems of the present.” (37).

an instantiation in some broad category of events, such as political revolutions, why did the event happen at all? Asking “what are the human actions and motivations which caused the event” is similar to asking ‘why’. I might suggest that every discipline has its generally accepted *what* – science has “matter”, philosophy has “ideas”, etc., and not all of these datum are mutually exclusive to their discipline – and that for history our *what* is human actions resulting in events. Similar to scientists applying formula and technique to their matter in order to come up with physical laws, historians must engage in a critical analysis of the recorded actions of historical figures in order to suggest, not laws, but explanations of the probable motivations which best explain the actions of these people in light of other historical examples and the common experiences of human kind, including our own experience.¹¹⁶ History, as Marc Bloch rightly noted, is aiming towards the beacon light of understanding,¹¹⁷ and asking both the “what” and “why” questions brings us closer to achieving this goal.

Historical Method

It often seems to me as if History was like a child’s box of letters, with which we can spell any word we please.

¹¹⁶See generally P.H. Nowell-Smith, *Are Historical Events Unique?*, *Proceedings of the Aristotelian Society*, New Series, vol. 57 (1956-1957): 107-160. Nowell-Smith makes a number of interesting observations germane to the question of historical events and entities, a few of which I will note here: “...despotism, the bourgeoisie and the Holy Roman Empire are all entities.” (140); “...historians use general words, and the use of such words presupposes the recognition of similarities. To talk of the Revolutions of 1688, 1789, and 1848 is already to recognize these events as similar in some respects.” [And yet for the historian who studies the Revolution of 1688, he recognizes there is no such thing as a typical revolution.] (117); “Explanation in history often takes the form, not of discovering the events with which a given event is causally connected in the regularity sense, but in expounding in detail in what the given event consisted.” (135); “What plays a part of an experiment in science is provided, in history, by the discovery of new evidence.” (157); “Explanation of a fact takes the form of fitting it into a picture. Does the fact to be explained fit better into this picture or into that?” (138); “...historians actually proceed by studying the original documents which mostly consist of contemporary written evidence; and to understand these just is to think in the language and style of the authors. This may be difficult – I have nowhere pretended that the study of history is easy-; but if there is any mystery about it, we shall have to rest content with the fact that history is mysterious.” (158); “It is only in the end that the Diffusionist [diffusion of ideas versus a common realization by peoples of different cultures without diffusion of practices or beliefs] appeals to generalizations, and then only to those of the large, inarticulate, common-sense sort; the Evolutionist treats generalizations, perhaps one day to be subsumed under a theory, as his goal. The one is an historian; the other, perhaps, a scientist.” (160).

¹¹⁷Bloch, *Historian’s Craft*, 143.

† Froude, *Science of History*, 443.

†† Elton, *Practice of History*, 74.

James Anthony Froude, *The Science of History*†

I often wonder what the illustrious dead make of all the things historians discover about them; if the Elysian fields ring with Homeric laughter, a continued interest in historical writing may well be the cause.

G.R. Elton, *The Practice of History*††

Truth may be stranger than fiction, but we know from the grotesque ideological fabrications within the last hundred years, for which, seemingly, whole societies have fallen for, that fiction can oftentimes cause more harm than truth. With this thought in mind we acknowledge from the outset that the historian and their method aim at discovering the truth about the past and at no time, ideally, will they purposely assume the role of ‘historian of the gaps.’ Elton notes that the historical method is both a cure for the two uncertainties of the historian, the lack of knowledge and the need to select, and it is further designed to protect them against their “human difficulties,” which it often does.¹¹⁸ Thus, perhaps, this is why Collingwood answers the question of what history is as “‘for’ human self-knowledge. ...the only clue to what man can do is what man has done. The value of history, then, is that it teaches us what man has done and thus what man is.”¹¹⁹ The whole of the historical method is governed by the “first principle of historical understanding, namely that the past must be studied in its own right, for its own sake, and on its own terms.”¹²⁰

¹¹⁸ Ibid., 63. On the historical method, Elton writes interestingly: “Two fairly common attitudes to historical research and method have done something to give the dog a bad name. On the one hand, there are the ‘methodologists’ who make a a laborious and tedious science out of the historian’s techniques, teaching it (as in some American graduate courses) almost as an independent discipline. On the other, we have the remaining inspired amateurs (this is an English failing) to whom the study of evidence presents no problems that cannot be solved by the common sense available to any reasonably intelligent [person]. Neither attitude has much to recommend it. The first turns a necessary tool into a nightmare mystery and is liable to produce egg-bound history or no history at all; the second promotes the exercise of prejudice and dilettantism, and is liable to produce pointless ephemera.” (64).

¹¹⁹ Collingwood, *Idea of History*, 10.

¹²⁰ Ibid., 65. Related to this, according to Elton, are two fundamental principles expressed as questions: “exactly what evidence is there, and exactly what does it mean? Knowledge of all the sources, and competent criticism of them – these are the basic requirements of a reliable historiography.” He later writes, “There is a single question which the researcher must ask himself in assessing his evidence: how and why did this come into existence? From the historian’s point of view, all evidence divides into two kinds: that produced specifically for his attention, and that produced for some other purpose.” (77). A laudable example of this would be the difference in the Christian New Testament between Christian literature, books such as Hebrews and Revelation, and Paul’s genuine letters, such as Romans and 1

According to Gustavson, there are basic characteristics of historical inquiry: natural curiosity about what is underneath an event; looking to the past for origins, relationships, and comparisons to solve our problems; examination of societies' dynamic forces; the genuine continuity of events; the genuine process of change; the willingness to abandon preconceived hopes and humble ourselves at the feet of the reality we find; and finally that historians recognize all events as unique.¹²¹ These considerations are central to a sound historical method – also keeping in mind the obvious need recognized by Elton for historical scholarship to rest on “a broad-fronted attack upon all the relevant material”¹²² – and even though they could be implemented along with the instrumentalization of a variety of methodologies as opposed to method, and keeping in mind the aforementioned warning for historians to be aware of their own pre-concieved ideas and agendas, it seems that it would be much better to leave methodological perspectives and their concomitant aims to one side when constructing descriptions of historical events and their attendant personalities. Of course, after the history has been re-constructed into a suggestion of how and why events happened, then methodology might be useful for a historian who wants to then suggest why a given event became historically important to some specified group in society which relates to their methodological concerns. For instance, Martin Luther King's March on Washington can be re-constructed quite accurately employing the historical method, but it also instructs the methodological concerns of scholars who want to explain, using their own critical methodology as a guide, the “whys and hows,” of the evolving story of African-American peoples in the history of the United States. Yet, when re-constructing the March on Washington itself as an event with its concomitant personages, it is the historical method rather than any methodology which will keep a historian's research trajectory as close to objective as possible.¹²³ In other words, and as the fundamental

Corinthians. The former were written with the implicit intent to furnish future generations with an account of what happened, and the latter were written to specific groups of people in a that single historical context with no thought of the future. On this particular topic, see G. Adolf Deissmann, *Bible Studies: Contributions Chiefly from Papyri and Inscriptions to the History of the Language, the Literature, and the Religion of Hellenistic Judaism and Primitive Christianity*, trans. Alexander Grieve, 2nd ed. (Edinburgh: T. & T. Clark, 1903). For instance, Deissmann writes: “Certain as it seems to the author that the authentic messages of Paul are letters, he is equally sure that we have also a number of epistles from New Testament times. They belong, as such, to the beginnings of “Christian literature”. The author considers the Letter to the Hebrews as most unmistakable of all an epistle.” (49). Deissmann also writes elsewhere, “. . . the contrast in which the Epistle to the Hebrews, for instance, stands linguistically to the earlier texts of Primitive Christianity, is peculiarly instructive to us. It points to the fact that the Epistle to the Hebrews, with its more definitely artistic, more literary language (corresponding to its more theological subject-matter), constituted an epoch in the history of the new religion. Christianity is beginning to lay hands on the instruments of culture; the literary and theological period has begun.” G. Adolf Deissmann, *Light from the Ancient East: The New Testament Illustrated by Recently Discovered Texts of the Graeco-Roman World*, trans. Lionel R. M. Strachan, rev. and enl. ed. (Grand Rapids: Baker Book House, 1978), 70-71.

¹²¹Gustavson, *A Preface*, 6-7.

¹²²Elton, *Practice of History*, 66.

¹²³Nowell-Smith, *Historical Events*, 155-156.

axiom of historical research in context, it is both the evidence for the events themselves as well as the ideas and motivations in the minds of the historical actors that are most important to producing the intelligible whole we seek after.

The historical method, as alluded to above, is also very aware of social forces which change the course of history. Generally these forces are under the rubrics of economic, religious, technological, institutional, ideological, and military forces.¹²⁴ When looking, for example, as I do at Constantine and the Christian Church, all these forces figure into the interpretation of the one historical figure and one historical institution and their specific relationship. The economy of the Empire was very unstable prior to Constantine's ascension to power and the Christian Church was a formidable and organized social force across his Empire. Technology had probably the least influence as a social force at this time, but the network of Roman roads that had been built throughout the Empire insured that Christianity would spread that much faster and also insured that edicts, decretals, and letters from the Emperor to his subjects would reach them much faster than otherwise. The institutional and bureaucratic nature of the Christian Church and its stabilizing potential for the emperor's unstable empire was recognized by Constantine and adopted largely for this reason: this seminal suggestion was first made by nineteenth century historian Jacob Burckhardt.¹²⁵ The ideology of Christianity, in contrast to the pagan pantheon of gods, was one where even the poorest of society could become members, and the message of the Church was international in outlook, not limited to a single state or class of people: it was more expansive in nature.¹²⁶ The Greeks had gods for the Greeks, the Romans for the Romans, even though we know that these gods were imported by the latter from the former. It was not until the Severan dynasty (193-235) ruled the Empire that the Syrian influence of a single god began to take root in Roman society, and with it the idea that god's from one region could be adopted in another. Such a transformation set the stage for Constantine's

¹²⁴Gustavson, *A Preface*, 52: see generally 24-52.

¹²⁵Jacob Burckhardt, *The Age of Constantine the Great*, trans. by Moses Hadas (New York: Doubleday Anchor Books, 1956).

¹²⁶Michael Lipka, *Roman Gods: A Conceptual Approach* (Leiden: Brill, 2009), 187-188. Lipka writes, "It was the spatial independence that gave the Christian and Jewish gods an advantageous position: first, it made them virtually impregnable and 'immune' to imperial intervention. Since the Jewish and Christian gods were not spatially bound, their cult was elusive and beyond the control of Roman officialdom. Second, such independence made the Christian and Jewish gods extremely marketable merchandises that could easily be accommodated to virtually any environment without further expense. The latter point was reinforced by the monotheistic character of the two gods, allowing their export virtually anywhere without the necessity to accommodate their functions (naturally, a single god was functionally indifferent). In fact, in their striking lack of spatial focalization and functional self-sufficiency the Christian and Jewish gods were the only 'international gods' of the ancient world, the gods, as pointedly remarked by Weber, favoured by 'itinerant journeyman', (Weber, *Economy*, 512) or in the words of Ando, "in ambition a truly imperialist cult." (Ando, 2007, 445) It was not until Constantine the Great that the Christian concept of god began to be formed by spacial foci."

adoption of the one God of Christianity, the Roman world by then having already become familiar with this kind of societal adoption.

One can see then, how all these *forces* figure into reconstructing any kind of suggestive intelligible whole of the relationship between Constantine and the Christian Church. What caused Constantine to choose to adopt the Christian Church as his own and for his Empire? This is a question that can produce a variety of answers, but it highlights one of the main problems for historians, explaining the causes of historical events. Gustavson enumerates a number of questions which may help narrow down this investigation. These questions ask the level of significance for any possible immediate cause, victorious principles and their provenance, strengths and weaknesses of personalities, new ideology, perspectives of economic groups, religious forces, role of technology, institutional strengths and weaknesses, and finally whether the physical environment played a role in the events.¹²⁷ As one can see, causation is here intertwined with the social forces, but in most cases it could not be otherwise. Some of these considerations may or may not be applicable to a given historical reconstruction but in the main these are questions that historians must grapple with. If an event has a multiplicity of causes, which covers just about every single one, then one helpful way of deciding which are the most important is by asking the question: if one of the factors under consideration were left out, let's say if Christianity did not exist in the organized and ubiquitous way it did in Constantine's time, would the event outcome have been different or even happened at all?¹²⁸ One can see how very quickly even a rough sketch of which factors were more causally relevant could be reached by using such a method.

When a historical event takes place, change takes place. Historically, events are also always connected to continuities by their dependent and antecedent instantiations. What is usually referred to as "Change and Continuity"¹²⁹ is a necessary part of a historian's suggestive reconstruction of the evidence to explain a particular historical event. If I claim that Constantine both changed the organization and laws of the Empire and was also in vigorous continuity with Rome's past traditions and practices, I would be right on both counts. In history, change and continuity are axiomatic to any explanation of events, there are rarely such things as completely new beginnings or clean breaks with the past, but they do occur.¹³⁰ As E.P. Cheyney wrote, "[a]ctual origins elude us; everything is the outcome of something preceding... the immediate, sudden appearance

¹²⁷Burckhardt, *Constantine*, 62.

¹²⁸*Ibid.*, 63.

¹²⁹Shafer, *Historical Method*, 19-21; Gustavson, *A Preface*, 65-80.

¹³⁰Daniel Philpott points to such a break when writing on the Westphalian Peace and its break with the past pursuant the history of the sovereign state : "In history, perfect fissures are rare, but as historical faults go, Westphalia is as clean as they come." Daniel Philpott, *On the Cusp of Sovereignty: Lessons from the Sixteenth Century, Sovereignty at the Crossroads?, Morality and International Politics in the Post-Cold War Era*, ed. Luis E. Lugo (Lanham, Maryland: Rowman & Littlefield Publishers, 1996), 43.

of something, its creation by an individual or a group at some one moment in time, is unknown in history.”¹³¹ Marc Bloch noted “...for most historical realities the very notion of a starting-point remains singularly elusive.”¹³² While events are connected to their past by definition, it is also true that some events are such radical departures from past practice as to become historical markers for the beginning of a new era in history. I argue that the marriage of Church and State under Constantine, with its concomitant and subsequent alteration of the constitution and laws of the Empire and realignment of the balance of powers, was one of these markers.

Ideal Forms, Necessary Assumptions, and a Legal Historian's Canon

The Greek word *κανόν* (canon) means a straight rod, or measuring device which is used as a standard to measure the quality of something against a perfectly straight rule.¹³³ Canon also refers to a collection of writings, and in the historical method suggested here, both definitions are applicable. We have seen how important the contributions of Burckhart, Collingwood, Carr, Bloch, Elton, and others from the ranks of historians have been in the sounding out of a reliable historical method, and thus their seminal works on method have been highlighted in the foregoing and are part of my historian's canon. Yet we also see that the insights of philosophers and sociologists, like Whitehead and Berger, also give us a more stable view of what history actually is and thus suggesting the kinds of questions, inquiries, and answers the historian may reasonably hope to offer up. What follows is a contemplation of other stabilizing ideas found in the seminal works of scholars in a variety of fields including science, anthropology, and philosophy. These are also part of my historian's canon, and bear directly on the way I approach historical evidence. In terms of the idea of Canon as straight rod, rule, or measuring device, the measuring device here is the method discussed herein, and what historians measure is the evidences they rely on in fashioning their reconstructions of past events, and importantly the very reconstructions themselves.

¹³¹ E.P. Cheyney, *Law in History and Other Essays* (New York, 1927), 11. As in Gustavson, *A Preface*, 63-64.

¹³² Bloch, *Historian's Craft*, 29.

¹³³ Walter Bauer, *A Greek-English Lexicon of the New Testament and other Early Christian Literature*, Third Edition, Fredrick William Danker et al. eds. (Chicago: University of Chicago Press, 2000), 507-508; A further definition reads: A bar, “... esp. to keep a thing straight [such as] ...staves which preserved the shape of the shield,” Henry George Liddell and Robert Scott, *A Greek-English Lexicon*, Sir Henry Stuart Jones and Roderick McKenzie, eds. (Oxford: Clarendon Press, 1996), 875.

We return to Whitehead for a stepping off point in the following discussion pertaining to the completion of my historian's canon. Whitehead wrote: "[t]he safest general characterization of the European philosophical tradition is that it consists of a series of footnotes to Plato."¹³⁴ Here Whitehead does two things for this argument, the most important being the admission that Plato's accounting of Socrates and his own philosophy has shaped every philosophical idea since in the European tradition, including historical study. The second observation is connected to the first and amounts to the acknowledgement of the dependent nature of knowledge in general, and for historians their reconstructions of historical events and persons are indubitably dependent for the obvious reason that it is only through the works of chroniclers, other historical documents, and physical evidence that we know anything at all about the past.

In terms of Plato's philosophy, we see a dependency emerging immediately in the works of Aristotle, the student of Plato, and using Whitehead's nomenclature, we have the first set of footnotes to Plato, as it were. Almost everything Aristotle postulated was a response or an extension of Plato, and he writes of his teacher Plato and "the old man" Socrates in his work more than any other thinkers of Classical Greece. Just as Plato cited Socrates in identifying the major influence behind the philosophy found in Plato's works, so Aristotle is not shy about giving proper credit to Plato as his progenitor, even if the former's philosophy evolved into a categorically different system than his mentor's. In some sense, though, they could have hardly done otherwise. Here was a small group of wealthy Greek men who could afford a leisurely life of learning. The world of the 'academy', literally, was much smaller and more conspicuous then, but it is from this small group that we get the beginnings of the Western tradition of epistemology, the study of how we know what we claim to know.

Socrates, at his own trial, gave colour to one of the ideas the modern historical method holds most dear, humility before the evidence and the jettisoning of our own pre-conceived assumptions about "what happened". Right at the very beginning of Plato's account of the trial of Socrates, you have the accused defending himself and answering the charge of Meletus and Anytus that he was teaching the young not to believe in the gods and instead some other spiritual truth, thus corrupting the young. Socrates knew that his reputation was based on having "a certain kind of wisdom:"¹³⁵ but, Socrates asked the court, what did this really amount to?¹³⁶ We read that Socrates had learned from a friend¹³⁷ who had consulted the Oracle at Delphi pursuant to the question of whether anyone was wiser than Socrates: the Pythian answered that no one was wiser

¹³⁴Whitehead, *Process and Reality*, 2.1, 607.

¹³⁵ Plato, *Apology*, *Plato: Complete Works*, trans. G.M.A. Grube, ed. John M. Cooper (Indianapolis/Cambridge: Hackett Publishing Company, 1997), 20.d, 21

¹³⁶Plato, *Apology*, Cooper, 20.e-23.b, 21-22.

¹³⁷*Ibid.*, 21.a, 21. The friend is identified as Chaerephon, who happened to be deceased at the time of the trial but who many knew, and whose brother could corroborate the event.

than Socrates. Socrates concluded that what the god meant was that “[t]his man among you, mortals, is wisest who, like Socrates, understands that his wisdom is worthless.”¹³⁸ Of course Socrates is recognized elsewhere by Plato as the wisest man that he ever knew,¹³⁹ and even Socrates himself relates that his wisdom was above many that he interviewed, but specifically with the proviso that his wisdom comes from his acknowledgment of his lack of it.¹⁴⁰ Herein begins the tradition in epistemology generally, which found its way into the historical method, of openly acknowledging what one does not know for certain instead of pretending, as the interviewees of Socrates did – Politicians, Poets, etc. – authoritative wisdom on a given subject.

While Socrates and Plato are not thought of as historians per se, there are significant portions of Plato’s dialogues which are essentially written *as* history: notwithstanding the fact that myth is often interwoven in what were oral accounts of the generations that preceded their own.¹⁴¹ While the historical passages are important in and of themselves, there is something closer to the teleological, cosmological, and ontological centre of Socrates and Plato’s ideas which I would like to focus on briefly, as it relates to the study of the past. The theory of Forms¹⁴² which emerges from the postulations and suggestions of the aforementioned philosophers consists of two axioms: first, ideal forms are a necessary condition for the existence of lower forms of reality. For instance, the ideal Form of “horse”, perfect in every aspect of horse-ness, allows for the less perfect beings that are significantly like this ideal Form to pass in the physical world as horses. The second axiom concerning the Forms is that they are only perceivable by the human mind. George Klosko writes of Plato’s Forms, “[a]t heart, the theory of Forms concerns absolute, timeless, immutable essences, completely removed from the sensible world. Because they can be perceived only by the mind, Plato locates them in the ‘intelligible realm.’”¹⁴³ I suggest that these aspects of (a) existentially immutable and (b) existentially realized in the mind, pursuant to the Forms, are both related to the study of history. The existentially immutable quality of the Forms, being almost frozen in time and space, is exactly how we find history: in other words, what happened in the past is simply what happened, there is no changing it. It is as if each moment in the past is

¹³⁸Ibid., 23.a-23.b, 22; 21.b-21.e, 21.

¹³⁹Plato, *Phaedo*, trans. G.M.A. Grube, ed. Cooper, 1997, 118.a, 100.

¹⁴⁰Plato, *Apology*, Cooper, 21.a-21.e, 21.

¹⁴¹If Plato’s *Apology* is not written history, then nothing is. It is Plato’s account of the trial of Socrates based on multiple eye-witness accounts from mutual friends of both men. As for other examples in Plato’s works, there are a number. The cosmological explanation of mankind’s development in *Statesman* and *Timaens*, and a partial Athenian history about their war with the Atlantian culture in the *Timaens* and *Critias*, serve as two ready and familiar examples. A for the interweaving of myth and oral history, everyone Herodotus and especially Homer were engaging in the same practice, hardly discounting any similar tendency we may find in Plato.

¹⁴²For a concise discussion of the Forms, see: George Klosko, *The Development of Plato’s Political Theory*, 2nd ed. (New York: Oxford, 2006): 87-92.

¹⁴³Ibid., 88.

frozen in time and space, forever remaining what it was at the moment in history it was realized. The other aspect of the Forms which makes them only accessible to the mind is very much related to the reconstructions of history which are postulated by historians. When we read Gibbon's account of the fall of the Roman Empire the reader might be led to believe that his story is *the* story which actually happened, but it certainly is not.

What Gibbon wrote about the fall of the Roman Empire was his interpretation of a multitude of relevant sources into a coherent story which existed in his mind and was transferred to paper by his pen. In some manner of speaking, then, on the one hand we have the actual history – the ideal Form – of Rome's fall which is what happened on a moment by moment basis to that Empire over the course of some twelve-hundred plus years¹⁴⁴ but which is now only a fact *in* the past and not a fact *from* the past: and on the other hand we have the great historian Edward Gibbon's reconstruction in writing of that past which, based on the vast amount of extant evidence we have from Roman history, leads us to suggest that his work is very likely "Fall-of-Romeness-like" enough to give it the name of an account of the fall of Rome. While Gibbon's account is not the ideal Form in its being the very history itself, we are still well within reason to name it according to its form, the *Decline and Fall of the Roman Empire*. The observation here is that if the reconstruction of an historical event is enough like the ideal Form – the nature of which is unchanging, and by definition it must be – then we are justified in seeing those historical interpretations of the past as being reliable only to the degree that their attributes are close enough to the little we do know about the ideal Form to deserve being put under such a rubric. M.M. Postan commented on this inability to reach perfection by writing:

For the uncertainty of historical results is due not to their being produced by historians, but to their being based on social facts. ...And if I personally am hopeful about the contribution of history, it is because I am not hopeless about the task of social science. The reason why I am not hopeless is perhaps due to the fact that I am not overly ambitious. I do not believe that the science of society will ever achieve the perfection of astronomy, but neither do I think that scientific thought is impossible or useless on lower ranges of perfection.¹⁴⁵

The predictive certainty of science is not the aim of history, rather history aims at certain events to suggest as complete a picture of that event and its personages as possible. Similarly to what Postan said in his lecture concerning scientific thought, information on a single event or person amongst the lower forms does not make it useless. In fact, the historian's reconstruction is often as close as we are ever going to get to the ideal form, that is, unless another historian after them reconstructs the event with more evidence.

¹⁴⁴Gibbon began his history with the year 180 CE.

¹⁴⁵Postan, *Historical Method in Social Science*, 36.

This is a question of the relationship between a historian's interpretation and historical evidence, as Carr puts it:

The relation between the historian and his facts is one of equality, of give-and-take. As any working historian knows, if he stops to reflect what he is doing as he thinks and writes, the historian is engaged on a continuous process of moulding his facts to his interpretation and his interpretation to his facts. It is impossible to assign primacy to one over the other.

The historian starts with a provisional selection of facts, and a provisional interpretation in the light of which that selection has been made – by others as well as himself. As he works, both the interpretation and the selection and ordering of facts undergo subtle and perhaps partly unconscious changes, through the reciprocal action of one or the other. ...My first answer therefore to the question 'What is history?' is that it is a continuous process of interaction between the historian and his facts, and unending dialogue between the present and the past.¹⁴⁶

Now, for historians, then, actual history itself is our ideal Form, and as such while it is accessible to us via the instrumentality of our minds applied to source evidence, history itself remains irretrievable in the same way Plato's ideal Forms were. This seems like a serious limit on its effectiveness from an epistemological standpoint, and yet in the same way a variety of horse-like creatures are sufficiently similar to be identified as close enough to the ideal form of horse to *be* a horse, so with enough historical data about a person or event involving persons, we can fairly identify a historian's thoughtful reconstruction of the data in terms such as, for instance, 'the life of Julius Caesar' or 'the Punic Wars'. The observation of history as its own ideal form on its face, once through the looking glass of this philosophical metaphor, seems straight forward enough, but its employment here is only to set the boundaries for a historical method that is grounded in what is possible given our perspective. As Kierkegaard pointed out:

Philosophy is perfectly right in saying that life must be understood backward. But then one forgets the other clause – that it must be lived forward. The more one thinks through this clause, the more one concludes that life in temporality never becomes properly understandable, simply because never at any time does one get perfect repose to take a stance – backward.¹⁴⁷

This is very much to the point, we never get the ability to have a backward stance because we – and that includes historians – live our lives going forward. While our

¹⁴⁶ Carr, *What is History*, 29-30.

¹⁴⁷ Søren Kierkegaard, JP I 1030 (Pap. IV A 164) n.d., 1843, *The Essential Kierkegaard*, eds. Howard V. Hong and Edna H. Hong (Princeton: Princeton University Press 2000) p. 12.

understanding of life depends and is benefitted on our memories and the observations and evidence of others in the past, we never have “what happened” fully or properly in our grasp. Again, this is navigational information for the historian, it is about immovable boundaries beyond which no one may claim certainty, but this side of which historians reconstruct the evidence we do possess into suggestions about past societies and peoples, and these responsible reconstructions provide us with enough of an edifice to say that we are fully justified in taking their proposals seriously. The degree to which a historian presents a reconstruction which is reasonable vis-à-vis our shared human experiences and brought to bear in the interpretive process on the source data is the degree to which we will provisionally accept their suggestions.

It is with Plato, then, that we begin our journey into the metaphysical realm, so to speak, as we try and reconstruct things we have not witnessed, experienced, or in most cases ever lived through. This practice, dubious as it may sound described this way, is at the heart of what the historian does, and as pointed out above it also applies to legal actors in our modern context who are reconstructing events to get at the ‘truth’ of the matter, in order to achieve as just an outcome as possible. The historian’s just outcome, on the other hand, is not to arrive at a certain ‘justice’ per se, unless written as polemics, but is rather an inquiry seeking only to explain what happened and why based on the motivations of the actors at issue. In its essence, the historical reconstruction process is a metaphysical exercise, since for the historian it is beyond them precisely because it is behind them, as Kierkegaard alluded to. Yet, even in light of this, we are also inextricably connected to the ideas and lives of historical figures such as King Josiah, Jesus of Nazereth, Joan of Arc, Abraham Lincoln, Harriet Beecher Stowe, Martin Luther King Jr., and Ghandi for the very simple reason that we are all people in the same sense they were and, just as importantly, that we are also born within the further evolution of the social realities in which all past peoples have created, not merely the ones that have been made famous given our preferences and predilections. The most important part of this evolution of human culture and practice for me as a historian is that we as people are the ones who have decided to, and continue to, create the social realities that both bind us together and in many cases separate us: either in the singular (me vis-à-vis you) or the plural (us vis-à-vis them). This fundamental axiom which imbues history has been most singularly noted by sociologist Peter Berger.

Peter Berger made clear, admittedly with the observations of many other scholars in hand, that our social reality is one we construct ourselves.¹⁴⁸ Humankind constructs its social reality, and this is related to how historians reconstruct versions of the Form-

¹⁴⁸ Berger and Luckmann, *The Social Construction of Reality*, 1966: Berger and Luckmann point to three main “activities” of humankind in their social construction of reality. Externalization is ongoing in human activity, objectification is the naming of things, and internalization is the adoption of the activities and meanings one is confronted with. (49); Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, New York: Doubleday, 1967).

reality of the past based on any evidence they have for those various reconstructions. Berger is the creator of a concept he named “nomos” which simply stands for a meaningful order created by a group of people. Berger writes:

It may now be understandable if the proposition is made that the socially constructed world is, above all, an ordering of experience. A meaningful order, or nomos, is imposed upon the discrete experiences and meanings of individuals. [*] To say that society is a world-building enterprise is to say that it is ordering, or nomizing, activity.¹⁴⁹

In a manner of speaking then, Berger becomes his own “creator” of social reality by constructing the idea of *nomos* to make clearer the way in which people constantly create and adopt their own constructions of reality. For historians, Berger’s suggestions prove useful on more than one level, and they certainly strengthen the historical method’s insistence that one be as familiar with the *nomos* of the historical figure/s involved in a study before we begin to suggest what may have motivated them to act as they did. Carr similarly points out that “[a]s soon as we are born, the world gets to work on us and transforms us from merely biological into social units. Every human being at every stage of history or pre-history is born into a society and from his earliest years is moulded by that society.”¹⁵⁰ This kind of moulding, ordering, and nomizing activity is concomitant in the story of humankind. To take a stark historical example of ‘nomos’ directly from the Christian Church of the Middle Ages, the *nomos* for Thomas Aquinas was a meaningful order that allowed the burning of non-Roman Catholic Christians precisely because those latter Christians refused to adopt the *nomos* created by the former. The answer to why people of the day did not raise a protest is that the *nomos* of the Roman Catholic Church of the Middle Ages which Aquinas et al. inherited was one built in large part on the ideas of Augustine who planted the seeds of indifference to violence by writing, for instance:

And he [The Bishop/Judge¹⁵¹ of the state] thinks it no wickedness that innocent witnesses are tortured regarding the crimes of which other men are accused; or that the accused are put to the torture, so that they are often overcome with anguish, and, though innocent, make false confessions regarding themselves, and are punished; or that, though they be not condemned to die, they often die during, or in consequence of, the torture. ... These numerous and important

¹⁴⁹ Peter Berger, *The Sacred Canopy*, 19. * Berger notes: “[t]he term “nomos” is indirectly derived from Durkheim by, as it were, turning around his concept of *anomie*. The latter was first developed in his *Suicide* (Glencoe, Ill.: Free Press, 1951), 192.”

¹⁵⁰ Carr, *What is History*, 31.

¹⁵¹ Augustine himself was a judge by virtue of also having been a Bishop: this situation had been fashioned by Constantine that all Bishops of the Christian Church post-Nicaea were to act as civil appeal judges from whose chair cases on appeal from any Roman magistrate could be heard and given final judgment.

evils he does not consider sins; for the wise judge does these things... because his ignorance compels him, and because human society claims him as a judge. ...and had he any piety about him, he would cry to God, "From my necessities deliver Thou me."¹⁵²

But, say they, the wise man will wage just wars. As if he would not all the rather lament the necessity of just wars, if he remembers that he is a man; for if they were not just he would not wage them.... For it is the wrong-doing of the opposing party which compels the wise man to wage just wars....¹⁵³

Augustine was a bishop-judge in the wake of the Constantinian reforms which included Christian Bishops taking on a judicial role which included being able to serve as judges in a final court of appeal for their own regions,¹⁵⁴ with only the Emperor above them for

¹⁵²Augustine, *The City of God*, trans. Marcus Dods, George Wilson, and J.J. Smith, intro. Thomas Merton (New York: Modern Library – Random House, 1950), 19.6, 682-683.

¹⁵³Ibid., 19.7, 683. The "But, say they..." in this passage refers most likely to Cicero and Plato, Augustine had a fingertip grasp of Cicero and would have almost as much command with Plato. We can see the philosophical and ideological foundations of the just-war concept, which would have been front and center in Augustine's mind when he wrote this, in Plato's *Republic* [Plato, *Republic*, *Plato: Complete Works*, trans. G.M.A. Grube and C.D.C. Reeve, ed. John M. Cooper (Indianapolis/Cambridge: Hackett Publishing Company, 1997), 2.373.d-2.373.e, 1012] wherein Socrates explains to Glaucon how as the ideal city grows bigger there will be a need to take their neighbors' land and since the neighbors will want the same thing of them, war is the only way to either take land or defend one's land from being taken. The latter seems to lean in the direction of justified war, and Socrates says as much when he says that an large army will be required to defend the ideal city's substantial wealth (2.373.d-2.374.b, 1012-1013). Irony here that the just war, defense of a city and its wealth, seems to be based on the unjust act of engaging in war to steal the neighbors land in the first place. Cicero takes glosses this more subtlety and specifically when he wrote:

...a war is never undertaken by the ideal state, except in defense of its honour or its safety.... ...But private citizens often escape those punishments which even the most stupid can feel – poverty, exile, imprisonment and stripes – by taking refuge in a swift death. But in the case of a State, death itself is a punishment, though it seems to offer individuals an escape from punishment; for a State ought to be so firmly founded that it will live for ever. ...Those wars are unjust which are undertaken without provocation. For only a war waged for revenge or defense can actually be just.... ...No war is considered just unless it has been proclaimed and declared, or unless reparation has first been demanded.... ...But our people by defending their allies have gained dominion over the whole world.

[Cicero, *De Re Publica De Legibus*, trans. Clinton Walker Keyes, (London: William Heinemann Ltd., 1977), III. xxiii, 210 – 213.] The dependent nature of Augustine's ideas is thus highlighted by the ideas of Plato/Socrates and Cicero.

¹⁵⁴Church historian Sozomen writes, : "Constantine exempted the clergy everywhere from taxation, and permitted litigants to appeal to the decision of bishops if they preferred them to the state rulers. He enacted that their decree should be valid, and far superior to that of other judges as if pronounced by the emperor himself." Salaminus Hermias Sozomenus (Sozomen), *The Ecclesiastical History*, trans. Samuel Parker (1707), rev. Chester D. Hartranft, *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, second ser., ed. Philip Schaff and Henry Wace, vol. 2, *Socrates, Sozomenus: Church Histories* (Peabody, Mass.: Hendrickson, 2004), 1.9, 246. See also a related account in, Eusebius of Caesarea, *Eusebius: Life of Constantine*, trans. Averil Cameron and Stuart G. Hall (Oxford: Clarendon Press, 1999) 4.27.2, 163.

last appeal: we learn here that Augustine's *nomos* was one in which the killing of innocents and just wars, involving the killing of innumerable people, were allowable "necessities" and not regarded as sin. By the time we reach Aquinas in the thirteenth century the killing of innocents and his concept of just war were at once both more widespread and more deeply entrenched in the meaningful order which that group had created for itself. The foregoing merely illustrates how powerful these meaningful orders become: they virtually sweep people along in their wake until a new order crushes the former and attempts to punish them retroactively for their crimes against humanity, which apparently are often not seen as crimes by the original perpetrators, for instance, in the case of the *Ancien Régime* in France and the subsequent French Revolution.

Yet as one might expect, there are a number of widely different orders or *nomos* instantiations which have run their course in various parts of the globe throughout history and very often within the same historical time period: one only has to think of his or her own lifetime to easily identify at least a few different such ones. Oftentimes these are competing orders that have gone to regrettable lengths to enforce their vision of the world. Mark Twain lays the case of multiple social orders competing with each other in his observation of some historical events occurring during the sixteenth century:

For instance, when the Mississippi was first seen by [De Soto in 1542],.... Calvin, Benvenuto Cellini, and the Emperor Charles V. were at the top of their fame, and each was manufacturing history after his own peculiar fashion.... lax court morals and the absurd chivalry business were in full feather, and the joust and the tournament were the frequent pastime of titled fine gentlemen who could fight better than they could spell, while religion was the passion of their ladies, and the classifying of their offspring into children of full rank and children by brevet their pastime. In fact, all around, religion was in a particularly blooming condition: the Council of Trent was being called; the Spanish Inquisition was roasting, and racking, and burning, with a free hand; elsewhere on the Continent the nations were being persuaded to holy living by the sword and fire; in England, Henry VIII. had suppressed the monasteries, burned Fisher and another bishop or two, and was getting his English Reformation and his harem effectively started.¹⁵⁵

Exactly correct: these were historically situated orders created by the likes of the above mentioned and all somewhat different in nature. We need remind ourselves that there has been and continues to be a multiplicity of social constructions of reality: the ones humanity is ultimately unable to bear are eventually, via other social constructions, put to rest.

¹⁵⁵ Mark Twain, *The River and its History, Life on the Mississippi, The Writings of Mark Twain*, vol. IX, *Author's National Edition* (New York: Harper & Brothers Publishers, 1874; 1903), 19.

The problem in the relationship between human thought and other determinative factors within history which inform and delineate the borders of these orders is described by Berger as actually being a discovery made in historical scholarship within Germany of the nineteenth century, and is noted by Berger to be a “vertigo of relativity.”¹⁵⁶ He writes:

On the empirical level it led to the concern to investigate as painstakingly as possible the concrete relationships between thought and its historical situations. If this interpretation is correct, the sociology of knowledge takes up a problem originally posited by historical scholarship....¹⁵⁷

While not a purely new question¹⁵⁸ it is interesting to note that from Berger’s point of view in examining the roots of the sociology of knowledge, it was three nineteenth century developments in German thought which were the most important – the Marxian, the Nietzschean, and the historicist.¹⁵⁹ For our purposes, we recognize here his observation on the historicism of Wilhelm Dilthey which came immediately before his own sociology of knowledge, and its major theme was the ubiquitous sense of the relativity within all perspectives concerned with human events in history.¹⁶⁰ The historicist insistence was that no situation in history could be understood unless in its own terms.¹⁶¹ This is similar to Bloch’s observation that “...historical phenomenon can never be understood apart from its moment in time. This is true of every evolutionary stage, our own and all others. As the old Arab proverb has it: ‘Men resemble their times more than they do their fathers.’”¹⁶² Historicity also informs our knowledge within everyday life, in the sense that, for instance, we are born on a specific date, began school on another, etc., and these are located in a more comprehensive history of which our being in a location within that larger *nomos* shapes our situation.¹⁶³ Here we cross swords

¹⁵⁶Berger and Luckmann, *The Social Construction of Reality*, 4-5.

¹⁵⁷*Ibid.*, 5.

¹⁵⁸*Ibid.* He points to antiquity for a beginning for the awareness of worldviews, and at least as far back as the enlightenment these investigations were a major theme.

¹⁵⁹*Ibid.*

¹⁶⁰*Ibid.*, 6-7.

¹⁶¹*Ibid.*

¹⁶²Bloch, *Historian’s Craft*, 35.

¹⁶³Berger and Luckmann, *The Social Construction of Reality*, 27. Berger and Luckmann note a number of things pertinent to the social construction of reality which ought to be kept in mind: “The problem of legitimation inevitably arises when the objectifications of the (now historic) institutional order are to be transmitted to a new generation. At that point, as we have seen, the self-evident character of the institutions can no longer be maintained by means of the individual’s own recollection and habitualization. The unity of history and biography is broken. In order to restore it, and thus to make intelligible both aspects of it, there must be “explanations” and justifications of the salient elements of the institutional tradition. Legitimation is this process of “explaining” and justifying.” (86) This observation describes what was happening to early Christianity when the eye-witnesses to Jesus of Nazareth had virtually all passed on and we see a codification of belief system in both the early Christian writings (Gospels & Letters) and the bureaucracy which was raised to keep the tradition alive: the latter of which Constantine adopted to his

with the child of history and historicism, the sociology of knowledge, and it reminds us to be aware of the temporal structure regarding the historical person, event, or era before we reconstruct an explanatory suggestion about their nature and manifestations.

Also important are the symbolic universes, those sheltering canopies over individuals and institutions which set limits of what is relevant in social interaction.¹⁶⁴ With the symbolic canopy of the Christian religion of the fourth century permeating all levels of Roman life from the beggar to the emperor, for instance, we can see how such a ‘universe’ provided justification and a covering for the nascent Christian Roman Empire in all its manifestations, along with the almost immediate transformation within the bureaucracy of bishops from an organic and multivariate regional spiritual leadership to the role of judges and virtual prelates of their own realms of influence. Other major events later on in the story would figure in to this calcification of the Christian Church into a political entity as well, such as the influence of Augustine’s (354-430) philosophy and vision for the Church on earth, the Frankish kings on the spread of an “orthodox” Christianity from the fifth to ninth centuries, the Great schism of 1054 in Christendom, and immediately following that the Investiture Contest beginning in 1057. In Constantine’s Nicene episode, however, there was not only a Christian canopy being forced on to a Roman societal structure, there was also a Roman universe of ideals going the other way into the epicenter of the Christian Church. If such a confluence of symbolic universes was to be successful, it would link people “...with their predecessors and their successors in a meaningful totality, serving to transcend the finitude of individual existence and bestowing meaning upon the individual’s death.”¹⁶⁵ All people in this type of society think of themselves as being part of a meaningful universe which both preceded their own lives and will be there after they pass away and thus a physical community ascends to a spiritual plane and is made independent of the vicissitudes of

Empire – Berger and Luckmann describe this situation so pertinent to Constantine’s adoptive act: “Historically, the problem of heresy has often been the first impetus for the systematic theoretical conceptualization of symbolic universes. The development of Christian theological thought as a result of a series of heretical challenges to the “official” tradition provides excellent historical illustrations for this process. ... For instance, the precise Christological formulations of the early church councils were necessitated not by the tradition itself but by the heretical challenges to it. As these formulations were elaborated the tradition was maintained and expanded at the same time. Thus there emerged, among other innovations, a theoretical conception of the Trinity that was not only unnecessary but actually non-existent in the early Christian community.” (99); “Societies have histories in the course of which specific identities emerge; these histories are, however, made by men with specific identities.” (159); “...sociology must be carried on in a continuous conversation with both history and philosophy or else its proper object of inquiry. This object is society as part of a human world, made by men, inhabited by men, and, in turn, making men, in an ongoing historical process. It is not the least fruit of a humanistic sociology that it reawakens our wonder at this astonishing phenomenon.” (173).

¹⁶⁴Ibid., 94.

¹⁶⁵Ibid., 95.

life.¹⁶⁶ This is exactly the scenario of the later evolution of Constantine's new Romanized Christian Church who while on just such a cosmic plane and journey through the centuries could at the same time dispense with humane justice at will and replace it with their own dogmatic scheme which meant they "suffered" the suffering of others, but claimed it as necessary and legitimate under their larger cosmic nomos.

The creation of a symbolic universe is often given impetus by heretical ideas which challenge the "official" tradition,¹⁶⁷ or very much more likely, the most politically powerful group's assessment of what tradition actually is. Berger writes:

For instance, the precise Christological formulations of the early church councils were necessitated not by the tradition itself but by the heretical challenges to it. As these formulations were elaborated, the tradition was maintained and expanded at the same time. Thus there emerged, among other innovations, a theoretical conception of the Trinity that was not only unnecessary but actually non-existent in the early Christian community. In other words, the symbolic universe is not only legitimated but also modified by the conceptual machineries constructed to ward off the challenge of heretical groups within a society.¹⁶⁸

What modern historians now recognize as being almost a truism is that there was no such thing as a trinity doctrine taught either in the life of the early Church, or mentioned specifically in either Jewish Scriptures or the Christian writings in their possession. It was not the dominant belief of the Christian Church but merely one theological construction among others which seems to have emerged around the end of the second century.¹⁶⁹ As Berger says later of psychological theories that are concocted "before the fact," and their subsequent social establishment:¹⁷⁰ "Deliberate ideological manipulation by politically interested groups is one historical possibility."¹⁷¹ The fact that the Alexandrian side of the debate at Nicaea won over at the time meant little to Constantine in comparison with his wish that the warring factions within Christianity made peace. Nicaea marked a new

¹⁶⁶ Ibid.

¹⁶⁷ Ibid., 99.

¹⁶⁸ Ibid.

¹⁶⁹ Origen of Alexandria (185-254) gives perhaps the strongest evidence in this regard, when he writes: Grant there may be some individuals among the multitudes of believers who are not in entire agreement with us, and who incautiously assert that the Saviour is the Most High God; however, we do not hold with them, but rather believe Him when He says, "The Father who sent Me is greater than I." We would not therefore make Him who we call Father inferior – as Celsus accuses us of doing – to the Son of God. Origen, *Origen Against Celsus*, in *Tertullian, Part Fourth; Minucius Felix; Commodian; Origen, Parts First and Second*, trans. Rev. Frederick Crombie, in *Ante-Nicene Fathers: The Writings of the Fathers Down to A.D. 325*, vol. 4, eds. Alexander Roberts and James Donaldson, rev. & arr. A. Cleveland Coxe (Peabody: Hendrickson Publishers, 1885), 8.14, 644.

¹⁷⁰ Ibid., 165.

¹⁷¹ Ibid., 165.

beginning for the Christian Church: Constantine's adoption of it made it the Roman Christian Church.

In history, in actual history, that entity which is physically lost to historians in the same way the ideal Forms were physically unavailable to Socrates and Plato, change happens by definition;¹⁷² but every once in a while a massive change, such as the marriage of Church and State under Constantine, takes place. The scholar most identified as having studied and named this large scale change phenomenon is science historian Thomas S. Kuhn (1922-1996): he was the creator of the much employed notion of "paradigm shift". What is a paradigm, what does he mean by 'shift,' and then what does their confluence suggest? In his monograph *The Structure of Scientific Revolutions* he describes his use of paradigm throughout the book as consisting of two senses:

On the one hand it stands for the entire constellation of beliefs, values, techniques, and so on shared by the members of a given community. On the other, it denotes one sort of element in that constellation, the concrete puzzle-solutions which, employed as models or examples, can replace explicit rules as a basis for the solution of the remaining puzzles of normal science.¹⁷³

By "normal science" Kuhn means simply a paradigm in operation.¹⁷⁴ But when a scientific community is forced to replace explicit rules and assumptions, when the profession can no longer ignore the anomalies that have thwarted the ruling paradigm, an extraordinary shift of commitments occurs which, according to Kuhn, results in a scientific revolution.¹⁷⁵ "They are the tradition-shattering complements to the tradition-bound activity of normal science."¹⁷⁶ The scientific turning points attributed to Copernicus and Einstein, for instance, are paradigmatic cases of scientific revolution because they necessitated a rejection of an established theory for a new and better one that was, notwithstanding its familiarity to revolutionary protagonists, incompatible with the former; these breakthroughs also resulted in a fundamental shift in the problems and problem solutions which would henceforth count as admissible; and finally, these historical events transformed the imagination of scholars which consequently transformed the very world in which their work was being done.¹⁷⁷ Stanislaw Andreski describes the nature of some of these monumental shifts:

The proliferation of apparatus of physical research which has taken place during the last quarter of a century has not led, I am told by my physicist friends, to any

¹⁷²See discussion above on change and continuity pursuant to observations by Gustavson.

¹⁷³Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 2nd ed., enlarged (Chicago: University of Chicago Press, 1962; 1975), 175.

¹⁷⁴*Ibid.*, 11. For Kuhn's complete discussion of normal science see sections II, III, and IV: 10-42.

¹⁷⁵*Ibid.*, 6.

¹⁷⁶*Ibid.*

¹⁷⁷*Ibid.*

fundamental discoveries which could be compared in originality to the contributions which Rutherford, Planck, Bohr or Heisenberg made with much smaller resources – not to speak of Einstein, who produced his relativity theory in his spare time and without access to a laboratory, while working for the Swiss patent office, after having been turned down as a candidate for a higher degree. There is nothing inexplicable in this, because organization involves subordination and dependence not only on the seniors but on the peers and even juniors as well, while the entire history of science abundantly demonstrates that really original ideas have nearly always met with obstinate resistance from the majority of the specialists.¹⁷⁸

Andreski portrays Kuhn's "tradition-bound" specialists standing in the way of certainly anomalous but, more importantly, original ideas which ultimately replace the basic assumptions and rules of the field upon which the genius, for instance, of Einstein was momentarily thwarted in the *denial of access to graduate studies*. Achievements on this scale from the likes of Copernicus and Einstein are then of great importance to the historian who is trying to reconstruct the story of what actually happened 'ever after' in the permanent alteration of the landscape by the new paradigm.¹⁷⁹

¹⁷⁸ Andreski, *Social Sciences as Sorcery*, 187. He writes elsewhere: "The history of all the sciences amply demonstrates that the more original the idea, the greater the resistance it has met. We all know about Copernicus' fear of the stake, the tribulations of Galileo, the vituperations against Darwin, the horror which greeted Harvey's deviation from Galen's medical bible, and the attempts to oust Pasteur from the medical profession. Many other examples could be added: Einstein's having been turned down as a candidate for graduate studies, or the failure of Newton's early attempts to secure a fellowship in Cambridge, of Lobachevsky being taken for a lunatic after he announced his discovery of non-Euclidean geometry. There are even more extreme cases: of the great mathematician, Abel, starving throughout almost his entire life and dying prematurely in consequence; of Gallous failing (twice, if I remember rightly) an entrance examination to a university in mathematics, a subject in which he had already laid the foundations for an entirely new branch now known as the theory of groups." (195). Bloch writes something similar when he notes, "Nor would it be wise to rely entirely upon academic bodies for these instruments [copies of source documents, second hand sources, etc.], for their methods of recruiting, favoring seniority and orthodox scholarship, do not particularly incline them to a spirit of enterprise." (70). While it is granted that Bloch wrote this in the early 1940s and that in many universities tremendous advances in fairness and egalitarianism and access to knowledge have been made, we still must remember that human actors continue to make the decisions which were so roundly and rightly criticized by the likes of Bloch and Andreski. To think we in our own day are less likely to fall prey to human weaknesses because of the advances made in the rule of law, human rights, etc., is a foreboding generalization indeed.

¹⁷⁹ Kuhn, *Scientific Revolutions*: Other interesting observations Kuhn makes to further delineate what his paradigm shift was after include, while not be limited to, the following: "...the perception of anomaly – of a phenomenon, that is, for which his paradigm had not readied the investigator – played an essential role in preparing the way for perception of novelty. But, again in both cases, the perception that something had gone wrong was only the prelude to discovery." (57); "Both during pre-paradigm periods and during the crises that lead to large-scale changes of paradigm, scientists usually develop many speculative and unarticulated theories that can themselves point the way to discovery. Only as experiment and tentative

Each field of study, according to Kuhn, has at one time crossed over from its pre-history to its history proper and while many of these transitions are not as sudden as the idea of paradigm shift may imply, neither were they gradual and coextensive with the fields in which they occurred.¹⁸⁰ The entity/discovery does not develop gradually as with an island forming from bubbling lava over thousands of years, as historical events do for some for historians who claim everything humankind has experienced in terms of advances in science, medicine, and technology is mere accretion – and we can see the adherence to this idea even in rudimentary form in an aspect of the historical method itself which claims every event is both connected with the past and yet a departure from it. Kuhn's idea is a significant challenge to those scholars who interpret historical events, discoveries, and revolutions as nothing more than the result of an accretion of past events instead of radical departures with little or nothing to do with past practice or assumptions. For instance, Marc Bloch wrote that it is a fallacy to "... [represent] the course of human evolution as a series of short violent jerks, no one of which exceeds the space of a few lifetimes. Observation proves, on the contrary, that the mighty convulsions of that vast, continuing development are perfectly capable of extending from the beginning of time to the present."¹⁸¹ Yet Bloch does insist that "it is change which the historian is seeking to grasp,"¹⁸² but Kuhn is only asking we separate those few times where the changes are so radical as to belong to another category. Kuhn does not say all changes should be accorded paradigm revolution status, nothing of the sort: but in his particular field of science he noticed four or five over three thousand years which were such radical breaks with past assumptions as to be accorded the strong language of "shift." It is as if a massive earthquake, fifty-thousand years ago, slammed one small

theory are together articulated to a match does the discovery emerge and the theory become a paradigm." (61); [Three important characteristics which result in discoveries from which new phenomena emerge are] "...the previous awareness of anomaly, the gradual and simultaneous emergence of both observational and conceptual recognition, and the consequent change of paradigm categories and procedures often accompanied by resistance." (62); "Because it demands large-scale paradigm destruction and major shifts in the problems and techniques of normal science, the emergence of new theories is generally preceded by a period of pronounced professional insecurity. As one might expect, that insecurity is generated by the persistent failure of the puzzles of normal science to come out as they should. Failure of existing rules is the prelude to a search for new ones." (67-68); "...crises are a necessary precondition for the emergence of novel theories.... Though they [scholars] may begin to lost faith and then to consider alternatives, they do not renounce the paradigm that has led them into crisis." (77); [This following quote appears to the author to be Kuhn's first use of the phrase] "...the switch of gestalt, particularly because it is today so familiar, is a useful elementary prototype for what occurs in full-scale paradigm shift." (85);

¹⁸⁰Ibid., 21. He writes in another place, "...discovery involves an extended, though not necessarily long, process of conceptual assimilation. Can we say it involves a change in paradigm? ...yes" [specifically in regards to the discovery of oxygen, but generally to all significant paradigm shifts of this nature]: 56.

¹⁸¹Bloch, *Historian's Craft*, 41. Bloch gives a concrete example in noting "...who would dare to say that the understanding of the Protestant or the Catholic Reformation several centuries removed, is not far more important for a proper grasp of the world today than a great many other movements of thought or feeling, which are certainly more recent, yet more ephemeral?" (41).

¹⁸²Ibid., 46.

continent in to the coast of a larger one and henceforth became part of the latter. We might imagine a group of *Homo sapiens sapiens* from the smaller continent that would now discover wholly new creatures and environments which their previous isolation made the discovery of impossible.

While Kuhn was not sure about how his paradigm shift notion would fare in other disciplines,¹⁸³ other scholars have expropriated his ideas by fiat due to its attractive generalizability pursuant to other fundamental shifts. Beyond this, as well, I think not having to use the word “revolution” was a breath of fresh air to scholars wishing to describe world changing events without reference to an idea so inextricably tied to the notion of war. Applied to my own research on Constantine’s adoption of the Christian Church and bureaucracy, the idea of paradigm shift, or paradigm revolution as Kuhn himself referred to it, fits my Roman Emperor’s changes rather convincingly. Kuhn himself writes:

Political revolutions aim to change political institutions in ways that those institutions themselves prohibit. Their success therefore necessitates the partial relinquishment of one set of institutions in favor of another, and in the interim, society is not fully governed by institutions at all. Initially it is crisis alone that attenuates the role of political institutions as we have already seen it attenuate the role of paradigms. In increasing numbers individuals become increasingly estranged from political life and behave more and more eccentrically within it. Then, as the crisis deepens, many of these individuals commit themselves to some concrete proposal for the reconstruction of society in a new institutional framework. At that point the society is divided into competing camps or parties, one seeking to defend the old institutional constellation, the others seeking to institute some new one. And, once that polarization has occurred, *political recourse fails*. Because they differ about the institutional matrix within which political change is to be achieved and evaluated, because they acknowledge no supra-institutional framework for the adjudication of revolutionary difference, the parties to a revolutionary conflict must finally resort to the techniques of mass persuasion, often including force.¹⁸⁴

¹⁸³Kuhn, *Scientific Revolutions*, 208. Kuhn writes, “A number of those who have taken pleasure from it have done so less because it illuminates science than because they read its main theses as applicable to many other fields as well. I see what they mean and would not like to discourage their attempts to extend the position, but their reaction has nevertheless puzzled me. To the extent that the book portrays scientific development as a succession of tradition bound periods punctuated by non-cumulative breaks, its theses are undoubtedly of wide applicability. But they should be, for they are borrowed from other fields. Historians of literature, of music, of the arts, of political development, and of many other human activities have long described their subjects in the same way. Periodization in terms of revolutionary breaks in style, taste, and institutional structure have been among their standard tools.”

¹⁸⁴Kuhn, *Scientific Revolutions*, 93.

In reference to Constantine's revolution of the Roman world, I could not have put it better myself. Another scholar who is also convinced of the confluence between Kuhn's characterization of "shift" and Constantine's reorganization of the relationship between Church and State is noted historian John Howard Yoder. In fact, one of Yoder's most important contributions to historical studies is what he named the "Constantinian Shift,"¹⁸⁵ referring to this historical period where the Roman and Christian worlds merge under the Emperor's orders.

John Howard Yoder's seminal identification of a "Constantinian shift" refers specifically to the way the Church both viewed itself and the world, and its role in the world. Constantine is not the sole architect, according to Yoder, but he is the symbol for the shift itself continuing to permeate through the centuries after his reign right up until the present day. Yoder's main observations on the "shift" are the following: First, before Constantine one saw Christian communities, a variety of them at that, which took it on faith that God was governing history, while after Constantine you had to have faith that there was a true Christian community amongst the masses of nominal "Christians" and ecclesiastic types. Second, Christendom paints a thin veneer of religiosity and sanctity on the new sovereignty order, the new construction, the new dominance, and the language, but it leaves untouched the very culture it aimed to convert. Late antiquity Europe and Asia adopt the name of Christian but know nothing of Jesus and the communal, minority, visible life of the early church. All is wiped clean by the wrath of what became known as "orthodoxy." Third, the future ramifications turned out to be even worse, if that were possible, in the reality of Crusade. These apocalyptic events made the outsider an infidel, the epitome of anti-faith. To destroy another person who also feared God became virtuously exemplary. The Christian world of the crusades had a "divinely" imparted duty to destroy or to rule over their world.¹⁸⁶ In describing his suggestion of shift Yoder writes "...the fact that with Constantine the civil sovereign becomes God's privileged agent is thus not merely a shift in accent but a change of direction."¹⁸⁷

Yoder's analysis goes to heart of the shift in practice and doctrine within the Christian Church as it made its radical move away from spiritual disciplines towards temporal political power, and he is correct in identifying Constantine as the progenitor around which so many of the changes orbited. Anthropologically, and keeping in mind both Kuhn and Yoder's observations relating to Constantine's colossal shift in governance, religion, and law within his Empire beginning in earnest at Nicaea, there is another scholar who made a significant contribution to the discussion of how and why these

¹⁸⁵John Howard Yoder, *The Constantinian Sources of Western Social Ethics. The Priestly Kingdom: Social Ethics as Gospel* (Notre Dame, Indiana: University of Notre Dame Press, 1984).

¹⁸⁶Ibid.

¹⁸⁷Ibid., 139.

shifts take place, Anthony F.C. Wallace. Wallace points to what he suggests can be thought of as “Revitalization Movements.”¹⁸⁸ He writes:

A revitalization movement is defined as a deliberate, organized, conscious effort by members of a society to construct a more satisfying culture. Revitalization is thus, from a cultural standpoint, a special kind of culture change phenomenon: the persons involved in the process of revitalization must perceive their culture, or some major areas of it, as a system (whether accurately or not); they must feel that this cultural system is unsatisfactory; and they must innovate not merely discrete items, but a new cultural system, specifying new relationships as well as, in some cases, new traits. The classic processes of culture change (evolution, drift, diffusion, historical change, acculturation) all produce changes in cultures as systems; however, they do not depend on deliberate intent by members of a society, but rather on a gradual chain-reaction effect.... In revitalization movements, however [these effects] are shifted into a new Gestalt abruptly and simultaneously in intent; and frequently within a few years the new plan is put into effect by the participants in the movement.¹⁸⁹

You can see clearly here the parallel between Kuhn’s and Wallace’s ideas and language. Notice Wallace’s “...shifted into a new Gestalt abruptly...” and there you have Kuhn, only this time from an anthropological standpoint. Wallace’s theory also aligns with Kuhn’s in rejecting the idea that everything in the historical narrative is mere accretion, yet Wallace claims that it would be very few generations indeed that were not witness *to* or involved *in* some form of revitalization process.¹⁹⁰ For Wallace, his main focus was how the process of revitalization movements appears in cultures throughout history via the instrumentality of the births of new religions or the splitting of old ones. In this way Wallace’s theory relates that much closer to my own research on the marriage of Constantine’s Empire and its peoples to the Christian Church.

Wallace is careful to point out that the existing literature of his time had already dealt with smaller movements that he identifies as subclasses in contrast to what he describes as the large scale phenomena, revitalization movements.¹⁹¹ If we observe what he

¹⁸⁸ Anthony F.C. Wallace, “Revitalization Movements,” *American Anthropologist* 58 (1956): 264-281.

¹⁸⁹ Ibid., 265.

¹⁹⁰ Ibid., 267. In this sense Wallace’s theory can be differentiated from Kuhn’s because the latter notes that it was only a rare occurrence in his own field of history of science.

¹⁹¹ Wallace notes research that had been done previous to or contemporaneously with his own that dealt with smaller “subclass” phenomena. He points to the following: Natavistic Movements - Linton, Ralph, “Natavistic movements,” *American Anthropologist* 45 (1943): 230-240; Revivalistic movements - James Mooney, *The Ghost Dance Religion. Bureau of American Ethnology Annual Report* (Washington: 1892-93); Cargo cults - F.E. Williams, *The Vailala Madness and the Destruction of Native Ceremonies in the Gulf Division* (Port Moresby, Territory of Papua: Anthropology No. 4): 192 & F.E. Williams, *The Vailala Madness in Retrospect. In Essays Presented to C.G. Seligman* (London: 1934); Millenarian and Messianic movements - Wilson D.

referred to as the “processual structure” we see parallel’s not only with Kuhn’s paradigm shift but also with my own research on Constantine and the ruling apparatus of the fourth century Christian Church. Wallace suggests five stages for his revitalization movement. First is a “Steady State,” wherein most citizens of a society take advantage of culturally recognized techniques for satisfying social needs that work well enough that chronic stress varies within tolerable limits.¹⁹² This is followed in turn by a period of “Increased Individual Stress” in which individuals experience critical levels of stress because of the deficiencies of existing stress reduction instrumentalities.¹⁹³ A point is then reached where another way has to be considered, and the very consideration of it causes more stress because members of the society may wonder whether it will be even worse than the first. Third comes a period of “Cultural Distortion,” marked by people of tradition being willing to abide high levels of chronic stress rather than trying to solve the problems within the mazeway¹⁹⁴ – the mazeway being an individual’s mental image of the society and culture as well as his or her own body and its behavioural regularities which cause them to act in ways that reduce stress at all levels of the societal system.¹⁹⁵ People not endeared with tradition try mazeway changes to reduce the stress with varying degrees of concern for the wholeness or Gestalt of the system. The culture is internally distorted in this stage and stress continues to rise leading finally to a recognition that the existing stress reduction mechanisms are failing, and “...as the internal incongruities of the mazeway are perceived, symptoms of anxiety over the loss of a meaningful way of life also become evident: disillusionment with the mazeway, and apathy toward problems of adaptation, set in.”¹⁹⁶ The fourth stage is one of “Revitalization,” and now in spite of the portent of society’s end seemingly looming, a revitalization movement, many being religious in character, comes to forestall disaster. The fifth state is simply the new steady state, but it is the fourth stage which is most crucial according to Wallace.

These religious revitalization movements, and focusing on his fourth stage of ‘revitalization,’ must perform six major tasks,¹⁹⁷ and because they parallel’s Constantine’s restructuring of the Roman world, we will observe and note the generally relevant events

Wallis, *Messiahs - Christian and Pagan* (Boston: 1918) & Wilson D. Wallis, *Messiahs, Their Role in Civilization* (Washington: 1943).

¹⁹²Wallace, *Revitalization Movements*, 268.

¹⁹³Ibid., 269.

¹⁹⁴Ibid.

¹⁹⁵ Ibid., 266. On “Mazeway,” Wallace earlier cites some of his earlier work as well as that of A.I. Hallowell. A.I. Hallowell, “The Self and Its Behavioral Environment,” *Culture and Experience* (Philadelphia, 1955); Anthony F.C. Wallace, “The Disruption of the Individual’s Identification with his Culture in Disasters and other Extreme Situations,” Paper read at National Research Council, Committee on Disaster Studies, *Conference on Theories of Human Behavior in Extreme Situations* (Vassar College, 1955); Wallace, *The Mazeway, Explorations* No. 6, 1956).

¹⁹⁶Wallace, *Revitalization Movements*, 270.

¹⁹⁷Ibid., see discussion at 270-275.

in turn. The first task is mazeway reformulation, which involves a restructuring of elements and dependent systems already either in use or accepted and which are known to a person who becomes the prophet/leader. These restructurings are usually preceded by one or a number of hallucinatory visions by a single person. With Constantine, we have an exemplar of this category, who received the penultimate experience of having a vision – as well as subsequent dreams – of Christ as he stared into the sun’s glare, and receiving the advice that he would triumph with the banner of the cross – something like “in this sign you will conquer.”¹⁹⁸ The second task is for the prophet-leader to communicate his revelations. Following his Council at Nicaea – and the reader must understand that this was a private affair between Constantine and Christian Bishops, there were no galleries for the lay people, and the Roman Senate had no representatives there that we know of, but we do know that many of Constantine’s officers and soldiers from his army were there, as one can imagine – Constantine sent letters throughout his Empire, one for the Christians and one for those outside Christianity which both explained his new conviction about the efficacy of the Christian God and his Son Christ in both giving him victory in war over societal tyrants and also being able to produce a more stable and moral Roman society. Thirdly in Wallace’s rubric of revitalization movements is the task of organization, an assignment carried out by a small subset of the faithful, some of whom just happen to be already influential people in society. Constantine’s Christian bishops, who had gravitated to him at the beginning of his initial adoption of the religion, and during his victorious war campaigns in the Western Empire, are well known to historians – Ossius of Cordoba, Eusebius of Caesarea, and Eusebius of Nicomedia being the most well-known. Bishops following the Nicene episode were given the power of regional appeal judges as well, further strengthening Constantine’s personal control of society due to the allegiance owed Constantine by the Bishops pursuant to his deliverance of the Christian religion from persecution to political power. The fourth task, according to Wallace, is adaption which is often necessitated by resistance of some sort. Wallace writes “the movement may therefore have to use various strategies of adaptation: doctrinal modification; political and diplomatic maneuver; and force.

Anyone familiar with the Constantinian reformation of Roman society will know that he practiced all three: changing the doctrine was accomplished, as Berger pointed out above, by allowing a small faction to change the Christian doctrine to a triune God rather than Father and Son as Constantine had first understood it; political maneuver can be seen in his making bishops judges and changing the appeal system of Roman law so

¹⁹⁸ Of course, of the Roman Empire of this period, those that were not Christians were not being coerced into Constantine’s new religion, but a major section of his population was Christian, and whole legions in the Roman army were known to be Christian. This was only the beginning of the emperor’s adoption of Christianity, and it would take some time before the rest of the non-Christian population caught up to the new status quo, perhaps thirty years or so, nearer the time of Theodosius II (401-450).

as to keep tighter control on abuses at the local level; the force factor can be lost on no one who knows of his murder of his own son, wife, and his *Edict Against the Heretics* which demanded a number of groups cease and desist and turn over their properties to the new Christian order. The fifth stage of “cultural transformation” is one wherein the large shift has been accepted by the controlling elements of a society and wherein successful projects of social, political, or economic reform are instituted. This found expression in the restoration of property to the Christian Church and the massive benefactions and expense funds then made available to the Christian Church by Constantine. The sixth and final stage is a routinization involving a pan-societal acceptance of the religion’s establishment as the religion attempts to confine itself to doctrine and ritual. This was certainly the case at the beginning of the Church State relationship in terms of the Bishops ostensibly being confined to religious issues, yet due to Constantine’s benefactions of civil power on the Bishops, the latter only grew more politically powerful as the Roman Empire of the West began to fall in earnest less than one-hundred years later.

As with Constantine’s revitalization movement, himself as the star prophet-leader along with attendant vision and dreams, most such movements are more or less grounded in a particular religious matrix of one kind or another, with perhaps the notable exception of Russian communist movements and others in this strain. Yet as Wallace points out, “...the quality of doctrine and of leader-follower relationships is so similar, at least on superficial inspection, to religious doctrine and human-supernatural relations, that one wonders whether it is not a distinction without a difference.”¹⁹⁹ Wallace wonders whether, in a world in which human affairs are decided with less and less reference to supernatural powers, religious revitalization movements can be dispensed with before reaching some kind of peace/utopia without the attendant stresses and strains²⁰⁰ so clearly seen in all of history so far. He thinks that while it is the case that religious movements do involve crude and powerful emotions and fantasies of relationships with supernatural beings which occasionally lead to unfortunate consequences in human relationships, these same fantasies and emotions may have worse consequences for peace and human rights when directed toward people – political or ideological leaders – seen in similar lights.²⁰¹ He is right that religious movements do lead to unfortunate consequences in human relationships: one only has to think of Constantine’s legacy to the Church in their Crusades, Witch hunts, Inquisitions, and torture and killing of Christians outside of their own *nomos*. The major religions have now mostly been reined

¹⁹⁹Ibid., 277.

²⁰⁰Ibid.

²⁰¹Ibid., 277-278. Wallace writes: “The answer would seem to be as fewer and fewer [people] make use of the religious displacement process, there will have to be a corresponding reduction of the incidence and severity of transference neuroses, or human relationships will be increasingly contaminated by character disorders, neurotic acting out, and paranoid deification of political leaders and ideologies.”

in by the enlightenment informed humanist dictates of the state²⁰² and yet there are still sizeable groups in various parts of the world that are committed to their own version of a religion and they have proven willing to “kill for peace.” Thankfully, for most religions, these barbarities have been swept away by the enlightenment and revolutionary periods in Western Europe, the former being an ideology of sorts which put the human being and their rights and safety before any fantastical religious considerations.

The analogous question we must ask along with Wallace’s own, is whether current attachments to new ideologies and various institutions will lead to a safer world with less attendant strain and stress for the individual? Are character disorders, neurotic acting out, and deification of political leaders and ideologies on the rise? And if a reined-in religious group can stick to offering the comforting teachings of their prophet and a sense of purpose within a community of meaning and yet also swear off the use of force, perhaps Wallace is right to wonder whether we may after all be better off allowing religion to play its part in alleviating social stresses²⁰³ for the individual rather than pretending that multivariate ideologies and/or the deification of political leaders will result in the elusive peace the world seeks. But if, as he sets out as two possible preconditions, there is “high stress for individual members of the society, and disillusionment with a distorted cultural Gestalt...”²⁰⁴ then a revitalization movement will be necessary, in keeping with the processual structure and rubric of stages discussed above.

The historian then ought to recognize in his or her own investigations into events far removed from their own day that the aspects and stages of change suggested by the likes of Kuhn and Wallace are very helpful in creating a generalized framework which can then be applied for comparison and reflection and perhaps ultimately lead to tentative conclusions about how well or not those generalizable theories account for the historical data available. These conclusions can then be recast as suggestions, combined with other researches, as to “what happened” in any particular historical event at issue.

Legal actors, as well, faced with the often difficult task of reconstructing past events and aiming to bring justice based on law in a particular situation can benefit from many of the foregoing hermeneutical tools in that these members within the justice system are charged with the task of understanding the context of an event involving persons to the best of their ability. It is very likely that legal actors would be better served by recognizing the salient aspects of the method described above in helping them

²⁰²Of course this is a great irony since most of the dictates/laws of the state, and certainly the actions of beneficent non-profit organizations, pertaining to human rights stem mostly, at least in the Western experience, from the Jewish and Christian Scriptures.

²⁰³Ibid., This is implied by Wallace at 277-278.

²⁰⁴Ibid., 279.

understand the complexities implicit in the contexts of the lives and actions of those for whom they are called upon to defend, prosecute, and deliver judgements upon.

Final Thoughts

Marc Bloch poignantly noted,

Are we so sure of ourselves and of our age as to divide the company of our forefathers in the just and the damned? How absurd it is, by elevating the entirely relative criteria of one individual, one party, or one generation to the absolute, to inflict standards upon the way in which Sulla governed Rome, or Richelieu the States of the Most Christian King! Robespierrists! Anti-Robespierrists! For pity's sake, simply tell us what Robespierre was.²⁰⁵

So while we may not judge as historians, we can employ history in helping us make better judgements. So too, the legal actor employs history in helping them make better judgments, and since they *are* required to ultimately come up with a judgment, their attention to the method by which they understand the various contexts put before them is of paramount importance. Carr suggests that “[t]he past is intelligible to us only in the light of the present; and we can fully understand the present only in the light of the past. To enable man to understand the society of the past, and to increase his mastery over the society of the present, is the dual function of history.”²⁰⁶ As we have observed, there are subtle differences of opinion amongst historians as to what we can expect from history, but there is general agreement on how it should best be constructed.

I have suggested that a synthesis of some of the most important contributions to historical method is something well within the reach of a historian, and I have cast it roughly as follows: the historical method I aim for requires an imaginative reconstruction of an historical event and its concomitant personages which is based on extant data, but which also must engage in a participatory re-thinking pursuant to the motivations of the characters involved such that the end result can be read as an intelligible whole. The historian has no access to actual history, with the exception of their own of which they form a part. But if that is the case, they are actually only part of history as a result of their participation in the present. Once a moment passes, it departs into the metaphysical, it cannot be revisited or recaptured with any hope of total accuracy. But it is the metaphysical existence of actual history, that ideal form, which historians are most concerned to reflect in their own suggestions: they hope they are striking as close to that ideal form as possible.

²⁰⁵ Bloch, *Historian's Craft*, 140.

²⁰⁶ Carr, *What is History?*, 55; see also page 68.

Historians use real non-metaphysical evidence from that illusive actual history to reconstruct the lives of people who are, for the most part, unless you are studying the history of someone still living, no longer able to inform us about what actually happened. Yet this kind of documentary and physical evidence often provides historians with enough congruent information that we can be relatively certain about the main brush strokes of what was going on in, for instance, Rome during the early fourth century. The less information we have about a place or person, the less which can be suggested, but the opposite case produces reconstructions by historians which are sufficiently close enough to what the general consensus of the extant evidence demands that they must be accepted as reasonable suggestions about what most likely happened at a given moment in history. So while actual history is illusive, the lower orders of the ideal history based on corroborated evidence often produces from the pen of a historian a very satisfactory and intelligibly whole account of what most likely took place. Historians and readers of history must be satisfied with this middle ground of 'reasonably sure' with regard to events that have passed. As already pointed out, the writing of history is not like a criminal trial wherein the judge demands evidence which she or her jury must be convinced of beyond a reasonable doubt. History is much more like a civil trial where the judge or jury is satisfied that the evidence bears out a given claim on a 'balance of probabilities,' a much lower standard of proof than 'beyond a reasonable doubt.'

History is not then out of reach completely. But like the word 'history' itself demands, the process of writing history will always be to some degree about constructing a story. In the foregoing discussion I have emphasized my suggestion that some of these stories, these responsible reconstructions of past events based on a sound historical method, are as close as we are ever going to get to what actually happened: and, in the absence of new evidence which might throw their conclusions into doubt, for this reason they ought reasonably to be taken seriously.